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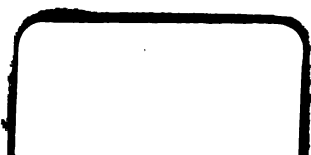
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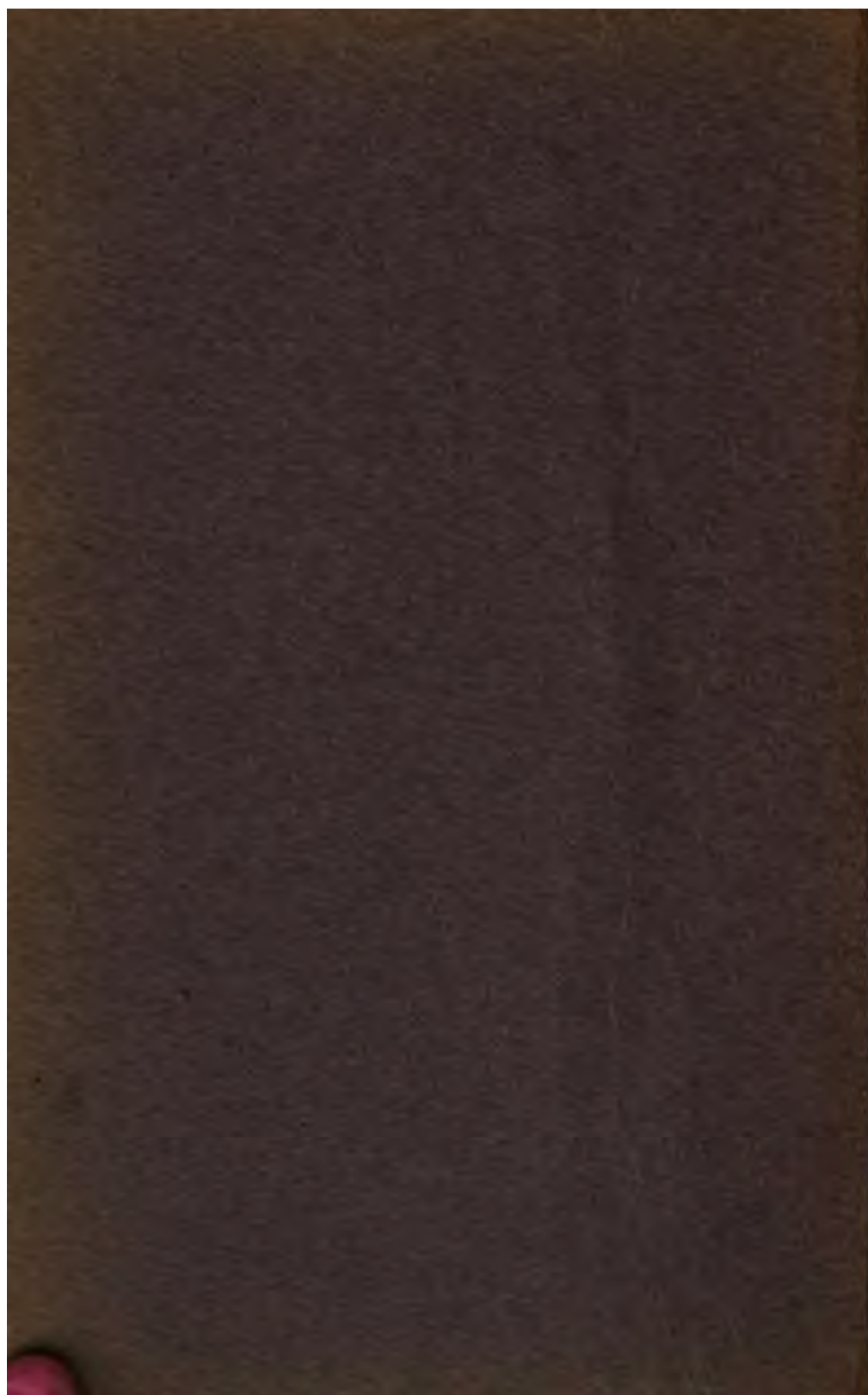
Proceedings

1876



1897

N. Y. S. S. A.



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PROCEEDINGS

of the

NEW YORK STATE

Stenographers' Association,

INCLUDING PAPERS READ,
DISCUSSIONS, ETC.,

at the

Twenty-second Annual Meeting,

held at

COTTAGE HOTEL, ONTARIO BEACH, N. Y.,

August 26th and 27th, 1897.

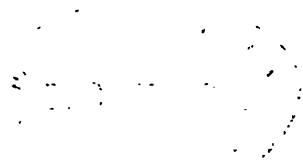


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REPORTED BY KENDRICK G. HILL, 117 DUANE ST., NEW YORK

N. Y. S. S. A.

TWENTY-SECOND ANNUAL CONVENTION.

PROCEEDINGS.

FIRST SESSION.

The twenty-second annual meeting of the New York State Stenographers' Association was held in the banquet hall of Cottage Hotel, Ontario Beach, N. Y., on Thursday and Friday, the 26th and 27th of August, 1897.

The following members were present:

ACTIVE MEMBERS.

AGAN, MISS LILLIAN E.....	Penn Yan.
BALLANTYNE, MISS M. JEANETTE.....	Rochester.
BEACH, HENRY L.....	Binghamton.
BISHOP, GEORGE R.....	New York.
BURKE, WILLIAM J.....	Rochester.
EMENS, MISS ETTA A.....	Rochester.
EMENS, MISS CORA M.....	Rochester.
GULICK, MRS. NELLIE C. A.....	Geneva.
GRIFFITH, THOMAS R.....	Rochester.
HILL, KENDRICK C.....	New York.
HUTCHINS, IRVING C.....	Rochester.
LAW, ROBERT R.....	Cambridge.
LITTLE, ADELBERT P.....	Rochester.
McLOUGHLIN, PETER P.....	New York.
MARTIN, JOHN P.....	New York.
MUNSON, GEORGE W.....	Rochester.
OSGOODBY, WILLIAM W.....	Rochester.
RODGERS, SPENCER C.....	Troy.
ROSE, THEODORE C.....	Elmira.
TELLER, MISS CLARIBEL.....	Seneca Falls.
THORNTON, GEORGE H.....	Buffalo.
WHITE, MRS. CLARA A.....	Elmira.

HONORARY MEMBERS.

DEMMING, COL. HENRY C.....Harrisburg, Pa.
 HEAD, ARTHUR.....Towanda, Pa.

There were also in attendance from various places throughout the state: Mrs. H. L. Beach, Mrs. T. C. Rose, Mrs. T. R. Griffith, Mrs. P. P. McLoughlin, Mrs. K. C. Hill, Mrs. Celia M. Gilbey, Mrs. Charles True, Miss Mary E. Lyons, Miss Clara Wallace, Miss Bertha Wing, Miss Minnie Hosmer, Miss Gertrude Blackall, Miss Carrie Nixon, Miss Belle Nixon, Miss Jessie Munn, Miss Mary Hosmer, Miss Katharine M. Jones, Miss Jessie R. Farley, Miss Mary H. O'Connor, Miss Mamie C. Goddard, Miss Mary M. Wedgren, Miss Martha S. Coddington, Miss Annie M. Call, Miss Tessie Burke, Miss Grace S. Boyd, Miss Margaret Wood, Miss Lena A. Black, Miss Mary Sutherland, W. R. Lansing, George Bishop, Fred Robinson, C. H. Hall, Charles True, M. M. Arnois, and others whose names were not obtained.

The Rochester papers presented their readers full accounts of the proceedings.

Thursday, August 26th, at 11:30 A. M., President Law called the meeting to order and addressed the convention as follows:

Members of the State Stenographers' Association:

It is with pleasure I perform the duty assigned me of calling this association to order. The fact that our society has maintained its existence for twenty-two years is evidence, it seems to me, of at least two things:

First, that at the time of its organization there existed a real need for such a society, and that such need has continued till the present day; second, that its founders wisely planned, and their successors faithfully and intelligently labored.

I am aware that certain persons have asserted that this society is only held together by the bonds of mutual admiration and reciprocal toleration; and that its usefulness to the profession or craft — whichever you deem our occupation to be — is not an appreciable quantity. I believe it to be a sufficient answer to such criticisms to say that our society is twenty-two years old. The saying that the good die young has no application to organizations of this character. But in addition we cite the fact that it is more alive and vigorous to-day than ever before; that on its active list is to be found the names of many of the best stenographers in the state; and that its activities are not confined to a yearly social gathering, and the reading of papers of greater or less literary merit, of supposed interest to the profession. We live in entirely too practical a generation, and stenog-

raphers as a class are entirely too practical people to keep alive for so many years a useless organization. So long as more can be accomplished by combined than by individual effort; so long as the interests of stenographers can be affected by legislation; so long as the experience and knowledge of one can be made available to others engaged in the same calling; so long as we can take pleasure in meeting and greeting persons whose occupation and view-point is similar to ours — so long will there be good reason for the existence of this society.

That our society has not accomplished all that was hoped by its founders is doubtless true. That it can be made more efficient we will all concede. Our membership should include all official stenographers in the state, as well as the best of the many good writers engaged in other lines of work. A society thus constituted would not only insure better yearly meetings, but when we had occasion to speak regarding anything affecting our interests, our words would receive greater attention.

That the year has been a prosperous one to us as an organization will appear from the reports that will be made to you; that this meeting will be a success I feel assured when I look upon this gathering; that the future has even better things in store for us as a society I have full faith.

The secretary presented for active membership the names of W. F. Fitzgerald, of Schenectady, and Mrs. Nellie C. A. Gulick, of Geneva; Mr. Little the name of William J. Burke, of Rochester, and Mr. Beach the name of Miss Nellie Cannon, of Binghamton, for active membership.

Mr. George R. Bishop proposed for honorary membership Mr. D. N. Pal, of Calcutta, India, and Secretary Hill the names of Mr. Frederick W. Gnichtel, of Trenton, N. J., and Mr. Buford Duke, of Nashville, Tenn., all of which were referred to the committee on admission of new members, viz.: Messrs. Beach and Rodgers, and Mrs. White.

Secretary-Treasurer Hill submitted the following report for the year ending August 26th, 1897:

TREASURER'S REPORT.

RECEIPTS.

Balance on hand August 27, 1896.....	\$81 77
Dues, 64 active members for 1896-7.....	192 00
Dues, 1 active member for 1895-6.....	5 00
Miscellaneous sale of proceedings.....	4 00
	<hr/> \$282 77

1896. EXPENDITURES.		
Aug. Telegrams	\$1	29
Sept. Expressage and postage.....		79
Oct. Postage on papers returned, etc., and printing letterheads.....	8	75
Nov. Dues Miss Ballantyne remitted for 1895, 1896 and 1897.....	13	00
" Reporting proceedings.....	30	00
" Postage		78
1897.		
Feb. Typewriting Dr. Zeibig's paper.....	2	00
May. Postage	10	00
" Printing 750 1896 proceedings.....	120	00
" Expressage, etc.....		75
" 50 Dennison clasp envelopes.....		34
Aug. 500 invitations, and stamps.....	18	00
" Postage on proceedings mailed to date..	2	63
" Postage for the year in correspondence..	15	99
		<hr/>
		\$224 32
Balance in Treasurer's hands.....	\$58	45
Balance in Librarian's hands.....		9 69
		<hr/>
Total balance cash on hand.....	\$68	14
		<hr/> <hr/>

SECRETARY'S REPORT.

During the past year the rank and file of the members of this association have manifested a reviving and increasing interest therein to a gratifying and encouraging degree, partially owing, doubtless, to the success attending the Syracuse convention of 1896. The hearty earnestness and enthusiasm again exhibited on assembling at this time clearly and emphatically suggests that we are advancing along certain well-defined lines of professional permanency and progress, which will culminate ere long in an epoch-making convention that shall elevate and establish this organization upon, if not a higher (for such could hardly be,) certainly a more positive plane than it has heretofore occupied, with the principles and purposes of its life profoundly regarded by the great body of its members at home and abroad.

I have obtained the original notice calling a meeting twenty-one years ago for the purpose of forming this association. This is probably the only original notice in existence, and, feeling that it ought to be preserved in our records, I append it. It is executed on the old No. 1 Remington, and is unique in appearance compared with the more modern typewriting:

"SYRACUSE, *August 14, 1876.*

DEAR SIR.—There will be a meeting, at 3 P. M. of Friday, Aug. 18, at the Empire House, in this city, of the official stenographers of this State residing outside of New York City.

The object of the meeting is the discussion of matters of general and special interest to us all, pertaining to legislation, etc., and also that we may become better acquainted with each other.

I write you upon the suggestion of several stenographers, who consider that such a meeting is very desirable, if not almost a necessity, and who join with me in extending to you a cordial invitation to be present.

Fraternally yours,
C. G. TINSLEY.

Copies of the above have been sent to Messrs. Slocum, Thornton, Wyckoff, Rose, Osgoodby, Duffield, Deming, Thompson, Harris and Rodgers. Come if you can. T."

In view of the lengthy reports submitted by me at New York in 1895, and at Syracuse in 1896, I will not further trespass on this occasion, but respectfully refer you to many of the suggestions contained therein bearing upon the practical progress of this association as viewed by your Secretary-Treasurer.

NEW YORK, *August 25, 1897.*

Mr. Bishop moved, seconded by Mr. Osgoodby, the acceptance of the report, which was carried. The president, however, in accordance with general custom, referred the treasurer's report to the following auditing committee: Messrs. Little, Wilson and Law.

REPORT OF THE LIBRARIAN.

Another year has passed into the "Great Beyond" since the New York State Stenographers' Association so enthusiastically celebrated its twenty-first birthday in the city where it made its advent. We move on and on, while the years are rounding out to their full measure, so rapidly that we can but in truth exclaim, "We take no note of time."

The library can boast of but few additions the past year. It has received from Mr. James E. Munson, of New York, his latest manual entitled "*Munson's Art of Phonography.*" It received from the governor, the dailies, the *American*, the *Banner* and the *Sun*, the chairman of the Board of Public Works and Affairs, the director-general of the Tennessee Centennial and International Exposition, Nashville, the president and secretary of the Chamber of Commerce of the aforesaid city, mayor and president of the Stenographers' Centennial Association of Nash-

ville, through our Rochester member of the Executive committee, very cordial invitations to hold its meeting in 1897 at Nashville.

The librarian received from the printing committee 750 copies of the proceedings of 1896, of which she has mailed, expressed and reserved fifty copies for the reserve collection, and two numbers for the library, leaving a balance on hand of 260.

Expended for postage.....	\$9 54
twine, wrappers and envelopes, tape, ribbon and bristol board.....	1 24
binder for 2 vols. of a complete file of the Proceedings of the Association, 2 vols. of the <i>Stenographer</i> and 1 vol. of the <i>Shorthand News</i> for 1884.....	6 00
	<hr/>
	\$16 78
Received of Kendrick C. Hill, secretary.....	\$10 00
A. L. Woodward, of Utica, N. Y.,	3 00
sale of proceedings.....	1 10
balance on hand for 1896.....	12 37
	<hr/>
	26 47
	<hr/>
Balance in hands of librarian.....	\$9 69
	<hr/> <hr/>

The librarian could fill many orders for proceedings if complete files could be furnished. Would it not be well to consider the matter of re-publishing some of the earlier numbers of the proceedings? The accumulation of certain years is rapidly increasing, with but very little prospect of decreasing the surplus so long as complete files cannot be furnished.

The librarian extends a cordial invitation for the State Stenographers to visit the library, No. 129 Powers Building, Rochester, before the adjournment of this convention, and herewith submits her report.

M. JEANETTE BALLANTYNE,
Librarian.

ROCHESTER, *August 26, 1897.*

Secretary Hill presented an extensive correspondence from stenographers throughout the world. These letters not only expressed the regrets of absent active and honorary members, as well as scores of others, because of inability to be present at the convention, but many of them contained much that was pithy and pungent, witty and wise, and only the bulky nature of these proceedings, owing to the number of papers presented, precludes the publication of a number of them. Notably among

more than a hundred such communications may be mentioned those of: Alphonse Desjardins, Levis, Canada; Dr. Julius W. Zeibig, Dresden, Germany; Prof. H. L. Andrews, Pittsburgh; James E. Munson, New York; David Wolfe Brown, Washington; W. H. Gurney-Salter, London; R. W. Mitchell, Portland, Ore.; Edwin R. Gardiner, Providence; Frank D. Blue, Terre Haute; Charles H. White, Syracuse; A. P. Barnett, Kansas City; J. D. Strachan, Brazil, Ind.; Benn Pitman, Cincinnati; Miss Jane A. Gage, Saginaw, Mich.; J. A. MacLauchlan, Newark, N. J.; Thomas Bengough, Toronto; Francis H. Hemperley, Philadelphia; Buford Duke, Nashville; A. L. Woodward, Utica; H. W. Thorne, Johnstown, N. Y.; S. H. East, Indianapolis; Lucius W. How, New York; George C. Holland, Ottawa; Walter J. Knight, Newark, N. J.; Robert Tyson, Toronto; Prof. Wm. L. Mason, New York; Dr. Rudolf Tombo, New York; Mrs. S. Louise Patteson, Cleveland; Frederick W. Gnichtel, Trenton; James M. Ruso, Albany; Arthur M. Baker, Weehawken Heights, N. J.; Henry T. Smith, Toronto; Norman P. Hefley, Brooklyn; W. H. Slocum, Buffalo; J. F. McClain, New York; Philander Deming, Albany; Thomas McGillicuddy, Toronto; J. R. Salmon, Newark, N. J.; Frederick I. MacMahon, Paterson, N. J.; Frederick E. Baker, Morristown, N. J.

The convention here adjourned until 2:30 P. M.

AFTERNOON SESSION, FIRST DAY.

When the convention reconvened at 2:30 P. M., the president announced that the reading and discussion of papers was in order.

MR. BISHOP: The paper I am about to present may not be read with quite the facility that Mr. Gardiner's will be, as it is in ordinary manuscript and not typewriting; therefore the reading may not be so easy, and an occasional snag may be struck, but I will do the best I can.

STENOGRAPHY AND STENOGRAPHERS IN INDIA.

BY MR. D. N. PAL, M. N. P. S., LONDON,

Stenographer, Professor of Stenography in City College, Calcutta, India.

The subject I am about to deal with in this paper will no doubt be of interest to my fellow-stenographers in America, especially to the learned members of your association, for whom it is mainly intended. I am aware that you are all interested in the propagation of the art of shorthand in India and elsewhere. It is well known that India is behindhand in many respects. Whatever improvement she has been making, and is making, is

chiefly due to the liberal support extended by the people of the west. As a professional reporter, and as an humble worker in the cause of stenography, I have had many good opportunities of observing the real state of things relating to shorthand, its past stage and its present development. In this paper it shall be my earnest endeavor to elucidate by facts and figures the nature and extent of the cultivation of this most useful art, and the place it has been day by day occupying in the thoughts of our countrymen.

The very name of stenography, shorthand writing or phonography, by whatever name you may please to call it, was a perfectly unfamiliar term in India fifty years ago. No one ever heard of what this art was, how it was written, to what purpose it was utilized. Such was the intellectual darkness in India before the advent of the English government. Education was confined to a particular community, and the masses were not allowed to even touch the books, or if they ever expressed a wish to learn anything, excommunication, banishment and tortures were the punishment for this. With the change of indigenous government, with the introduction of new, enlightened rulers, with the disappearance of old systems, and with the advent of European civilization and English education, a new life, a new force, a new nation, seemed to have sprung up in India. Now, viewing this western education and civilization as being the only cause of infusing spirit into the dead bones and monotonous life of India, there can remain very little doubt as to the *ultimatum* to which it will end. The influence — I may say the most invigorating influence — which the civilization of the west has brought to bear upon the minds of the three hundred millions of the Indian people, is one of the most extraordinary and phenomenal character. English education has wrought miraculous, almost supernatural, results within this short period of fifty years. It has created a novelty in the whole intellectual world. Journalistic enterprise and journalism were absolutely unknown in India half a century back. There were a few Anglo-Indian weekly papers, conducted by European gentlemen residing in this country. A purely Indian press was then an object of dream; and even now, when the influence of the west is so direct, palpable and widespread, the progress made in the journalistic world in India may be justly said to be unsatisfactory. That the cultivation of shorthand was not encouraged, or, in other words, was an unknown thing, in India, may very well be accounted for by the simple facts referred to in the preceding few lines. It is a matter for profound regret that even now, at this far end of the nineteenth century, in spite of our high intellectual progress and development in the different departments of

human activity, it has not occurred to the minds of the popular and public-spirited leaders, who are agitating head and heart in order to secure larger political franchises from the government, that this most useful art is a necessary adjunct. But judging from the tendency of the times, I have every reason to hope that a change for the better has begun. Within these fifty years we have undergone a peculiar change in our social, political and religious career, through the instrumentality of western science and civilization. The light of education now burns at the doors of the rich and poor alike. English government is really a blessing to us. It does not know partiality in respect of imparting free education. Government has adopted various means and ways by which people of all sections of the community have the privilege of receiving a good, liberal education. In Calcutta alone there are more than two dozen first-grade colleges, besides numerous schools, where education up to M. A. and Law is systematically imparted to the rising young men. Fifty years ago there was no such college. Nowadays students from different parts of the country come to Calcutta, which is regarded as the centre of learning. The wonderful scientific researches and discoveries of the Americans in arts and manufactures are now being read with keen interest, and have brought home to the hearts of our young men a new spirit of enterprise and activity. Every one at the present moment is striving hard to add to his insufficient stock of knowledge something new that the people of the west is daily inventing. For these and other reasons it may fairly be said that the time has now come when the cultivation of stenography should be as widely introduced as practicable. Circumstanced as we are, and having regard to the urgency of the matter, I am humbly of opinion that shorthand will occupy a foremost place within a measurable distance of time. But I am also sorry to have to inform you that we in India have done very little during the past years in this respect, considering the other aspects of our improvements. India has a very poor and limited number of stenographers. The gentlemen who belong to our profession consist of Eurasians and Europeans. Most of them are either employed on the several daily papers all over India or in the courts of law. Indian stenographers, pure and simple, are few and far between. The reason why India is so miserably backward in this important matter, and why a good number of indigenous shorthand writers has not yet been created in spite of a widespread system of English education, is not far to seek. So far as I can apprehend, it is owing to the want of adequate appreciation as to the inestimable benefits and advantages that may be derived from the art of stenography. Our five Indian universities of Calcutta,

Bombay, Madras, Allahabad and the Panjab seem wholly indifferent in this matter. They have the executive power of introducing or not introducing any new subjects for our young men. In fact, the members of the universities being the chief guardians of our education, the whole responsibility rests upon them. The viceroy and governor-general of India is the *ex-officio* member and chancellor of the Calcutta University, and the heads of the other local governments are the chancellor of their universities. There are many European gentlemen, professors of colleges, missionaries, government officials, doctors and others, who can, if they only desire, easily take up this subject and induce other members to adopt some practical means for the introduction of shorthand in all schools and colleges affiliated by these universities. But I know they have not the inclination to take any such measure; nor will they do so at any time unless our own countrymen, whose number is in no way of a limited character, are determined to make a proposal like this in a harmonious spirit. But here, also, we have a great and, I may say, formidable difficulty. Among the Indian fellows and members of the universities there can scarcely be found any who has any knowledge of stenography or its utilities to civilized society. We know as a fact that they may be very brilliant scholars, very learned and useful members, so far as their respective spheres are concerned, but they, having no idea as to the merits and demerits of stenography, are in the dark, and consequently no substantial good can be expected from our countrymen, who have had the honor of being fellows of learned bodies like the Calcutta University and similar other universities. In this connection I may be permitted to mention that some time in the year 1890 a proposal was put forward in one of the sub-committees of the Calcutta University by a leading member of that body to include shorthand as an optional subject for all students going up for the matriculation examination. But I am sorry to say that, for the reasons already referred to, there was a strong feeling of opposition when the proposal was brought to the meeting of the syndicate for their final sanction, and the result was that it was finally withdrawn.

Mr. D. N. Shinghaw, one of the members of your association, took a leading part in this laudable movement at the time, and did his very best to get this proposal carried out; but against the vast majority of the conservative party it was thought expedient not to press the measure. Seven years have elapsed since, and there may have been considerable changes for the better; so I have a mind to again try submitting a fresh proposal for the consideration of the senate, and I hope this time our efforts will be crowned with success.

Among the few private enterprises for the teaching of shorthand may be mentioned the establishment of the Union School of Commercial Phonography by Mr. H. Price, who calls himself the principal of his school, teaches Pitman's system, and charges six shillings per month for each pupil. Considering the laxity of principle and the absence of any systematic method of training, it is doubtful whether the school will be a success after all. Then there has recently been established another agency in Calcutta by Mr. Braize, of the Bombay Typewriting Company. He has founded a branch office here where shorthand and typewriting are taught for seventy-five shillings. So far as the advancement in typewriting in India is concerned, Mr. Braize has rendered valuable service. These are now the only two schools in Calcutta for teaching shorthand. Many of our young men have been taking instruction here, but for want of a regular and systematic training they cannot keep up with the practice required for the fulfilment of their desire.

Among the few old stenographers who are professionally engaged in Calcutta, I think I should mention the name of Mr. W. H. Kirkpatrick, who is now the official reporter in the Calcutta Corporation, as well as in the Bengal Legislative Council. He is the only man who gets a very handsome remuneration in Calcutta from stenographic work. He was also for many years the official reporter in the Council of the Governor-General of India, but, for some reason, another European, Mr. F. W. Latimer, has been doing this work. Mr. Kirkpatrick has been in this profession for more than forty years, and is creditably performing his duties. He gets one hundred shillings for each meeting of the Bengal Council. He writes Johnson's system. He is often requisitioned by the Bengal government when any important public commission is appointed. The most defective feature in his life is that he seldom takes any interest in any popular movement, nor does he ever take care to introduce the cultivation of shorthand among the people of this country. He seems to lack in public spirit and breadth. I will consider, later, how far shorthand may be introduced in Calcutta and for what purposes later on.

Now, I should like to say something regarding the present state of affairs in the phonographic world in other parts of India. I will first deal with Madras. Madras possesses a vigorous and well-managed shorthand writers' association whose present secretary is a native of India, Mr. C. Gopal Menon, a very energetic young man, who takes genuine interest in the propagation of the art in his country. If India is to be regenerated to its former glory, it must be done by our young men, whose first and paramount duty should be to join, in a sympathetic and earnest spirit, in all movements having for their objects the

material prosperity of India. I must not be understood to mean that we should not take any help or advice from the philanthropically disposed European or American gentlemen, who now and then come out to this country. Their help should always be welcome, and be taken in a purely friendly spirit. Mr. C. A. Paterson, M. A., LL. B., is a man of this stamp, who is vitally interested in the welfare of our countrymen. Being himself a sound lawyer and experienced educationist and the principal of a first grade Christian missionary college, and being an expert practical phonographer, it is quite natural that he should sacrifice his valuable time for the cause of the propagation of the useful art of shorthand in every part of India. It was mainly through Mr. Paterson's kindness, active co-operation and indefatigable exertion, that the Madras Shorthand Writers' Association was ushered into existence in 1893. He has been its president since then, and does everything to further the prospects of the association. It is not an association of Englishmen, although its president, vice-president and its speed examination committee are Britons. It conducts regular classes, holds meetings where interesting topics relating to stenographical subjects are discussed by the members, where speed practice is held, and periodical lectures are delivered. There are seventy members, most of whom have successfully passed at the various shorthand examinations conducted under the auspices of the government of Madras, and received scholarships awarded by the government. Many of the members of the association have got appointments in private and public offices. The late Sir Isaac Pitman, who had done much on behalf of the India people in the matter of introducing his system, thus wrote in one of his issues of the *Phonetic Journal* about the Madras association: "Results of this character are not gained without good management, genuine work and cordial co-operation on the part of officers and members. There are some sluggish associations in England that might well take a hint from the Madras society in this respect. English methods of association work have become known to Indians and are day by day being acclimatized with tremendous success. We congratulate our Oriental friends — fellow-citizens of a great empire — on having taken the initial steps towards making known the benefits of the useful agency of shorthand." This is Mr. Pitman's testimony as to the first adventure of an organized body of Indian stenographers. I need hardly say that the members of the Madras Shorthand Writers' Association represent the intellectual sections of educated India. They are all men of light and leading. It is hoped that the noble example set by the Madras shorthand writers should be largely followed throughout the length and breadth of India, and there should be gen-

erally diffused that knowledge of stenography which is one indication and badge of fellow-citizenship in the empire of intellect. There are many special and characteristic features of the Madras Shorthand Writers' Association. The distinguished editor of the *Madras Mail*, an influential and wide-circulated leading English daily newspaper of Madras, Mr. H. K. Beauchamp, annually awards a gold medal to the association, and has on many occasions presided over the meetings when lectures on the advantages of shorthand were delivered. Madras is particularly to be congratulated on its having secured a very important franchise from the local government. I am given to understand that this privilege has been obtained through the persistent representations and agitation of the Madras Shorthand Writers' Association, whose president and vice-president are directly in touch with many officers of the government. Nowhere in India have shorthand writers' claims been more fully recognized by the government than in Madras, having regard to the fact that in almost every district court their services are engaged on a certain stipulated salary. Lord Helnock, governor of Madras in 1893-94, feeling the necessity and administrative benefits attainable from the help of shorthand writers in the district courts, passed a resolution or official circular whereby the district officers were empowered to employ one or two shorthand writers in their courts for the purpose of taking down the depositions of the witnesses, and other matters which had previously been written by the trial officers. In a letter recently addressed to me by the secretary of the Madras association, he writes: "Yes, the government have recognized shorthand and the shorthand writers by appointing a shorthand writer in every district court. But this is not sufficient. There is yet much larger scope for shorthand writers in government. We are trying our best to induce the government to recognize its utility in a more liberal way than it has already done." This, indicating a move in the right direction, is very encouraging. This enterprise and appreciation of the Madras stenographers doubtless shows that at no distant date stenography will occupy that coveted and foremost place in India which it so justly deserves. While Madras is progressing so rapidly, the other sister provinces are doing nothing practical.

This indifferent and apathetic attitude on the part of the stenographers in other parts of India reflects discredit on the profession in India, and also affects the stenographic world generally. Stenographers, as rational beings, should avoid such an exhibition of indifference as must raise a suspicion that they are skeptical concerning the utility of their own art. It is a matter of regret that in some parts of India stenographers are not at all

recognized as belonging to the intellectual professions, like the lawyers, physicians or educationists. For this reason their opinions do not carry much weight in the public mind; but at any rate such an erroneous impression should be put down. To return to my point. There seem to me to have been various reasons to which may be attributed the non-recognition of our claims by the government throughout India. We in Calcutta unfortunately have not got an organized body of stenographers like our brothers of Madras; such organizations doubtless being the best means of obtaining recognition of our claims at the hands of the local government, as, without any constitutional representation, it is vain to expect any improvement in the status of Indian stenographers. We hope that sooner or later we will have a strong representative body of stenographers in Calcutta and other parts of India to promote the advancement of the interests of this, one of the great improvements of our age.

I will now say something about Bombay. This is situated on the other side of Madras, on the seacoast. Bombay is now commercially the foremost place in India. It is the principal port of India. There are vitality and brightness visible in all directions. Shorthand is also engaging the attention of the people of Bombay, and I may say they have made satisfactory progress, with the help of the patriotic and public-spirited Parsis, who are ahead in all respects of other nations. They are now regarded as the most enterprising and energetic nation in all India. They are never hopeless. If stenography has succeeded in producing any marked impression on the minds of the people of Bombay, and if its utility is now being appreciated there, it is solely due to the strong efforts of the Parsi community to get it widely diffused. Many of the daily papers of Bombay have now engaged Parsi reporters, who do their work very creditably. In fact, the Parsis of Bombay have more enthusiasm and earnestness than have any other Hindu people there, and it is therefore but natural that they should mark out a thorough revolution in the era of shorthand writing in Bombay. The Bombay Typewriting Company, of which the managing proprietor is Mr. P. J. Braize, a good and accomplished stenographer, has been rendering splendid service to the cause of stenography. This company has a branch office at Madras and Calcutta, where both shorthand and typewriting are taught. There is a branch of the Phonographic Society of London in Bombay, which is doing excellent work in the diffusion of the art. His Excellency Lord Harris, G. C. I. E., late governor of Bombay, speaking in an educational institution in Bombay on December 5th, 1892, spoke in the following sympathetic terms, which elicited a chorus of approbation: "There must be a large field for employment for short-hand writers in this country (meaning India). We know that

"at home (England) a large number of business men take their "correspondence entirely by means of a shorthand writer, and "I think, while this is a far more conservative country, that in "time the use of shorthand will be fully recognized here." This shows how the utility of stenography was looked upon at the time when Lord Harris was governor of Bombay. That the appreciation was slight is evident from the expression of his excellency. But it is satisfactory to see that this expression, uttered by a man of his lordship's position, from a public platform, produced a wholesome effect. A very general desire has now been manifested for the acquirement of the art of shorthand. His excellency went on to describe how the services of stenographers are to be employed, how a new field may be created for them. Lord Harris says: "It affords great facility to business "men to be able to get rid of the labor incurred by writing long "letters, and surely it must benefit those who are able to do so. "I can quite imagine the advantages which will be derived if "government officials would take shorthand writers with them "when sending their reports."

Lord Harris was a very popular ruler of Bombay, and had a deep sympathy with the hopes and aspirations of the rising generation of the present century. During his incumbency there he did all that could be done to promote the welfare of the people over whom he was placed. He found that the people of Bombay were then deficient in the cultivation of shorthand. He spoke his views publicly, that advantage might be taken of the opportunity. The *Indian Spectator*, of Bombay, said, in its issue of 29th November, 1891: "Considering the need that is often "felt in Bombay of a shorthand agency, we may take it for "granted that the movement that is being made by the Bombay "Typewriting Company to supply that want will meet with success." The *Times of India*, one of the first-class Anglo-Indian dailies of Bombay, in its issue of the 17th of November, 1891, says: "While shorthand and typewriting play an important part "in the government, legal and commercial business houses in "America and England, we note with some pleasure the enter- "prise of Mr. Braize, member of the National Phonographic "Society of London, who has started the Bombay Typewriting "Company, which will benefit those who wish to make the twin "art a profession. The art should prove popular in India." Thus it appears that Bombay papers are not wholly indifferent to the importance of stenography, and have sought to influence public opinion by all legitimate means. Happily, I may say that to a certain extent the efforts of the Bombay press have been met with success. In Bombay, like other parts of India, the field is narrow, and remains to be considerably enlarged.

Besides the press reportership, there is but a limited field for stenographers, although a few mercantile firms have engaged shorthand clerks to help them in their correspondence. The high court of the Bombay presidency has a few bench clerks who have to perform the function of shorthand writing besides doing other routine works. Like Madras, Bombay has not yet any government sanction as regards the appointment of stenographers in the district courts. It is hoped that in a few years matters in the phonographic world will improve more rapidly.

In upper India the cultivation of stenography is in a deplorably backward state. In connection with a Christian missionary college — Reid Christian College, Lucknow — there is a class attached to it where it is believed lessons on shorthand are given, but not regularly. Upper Province is very backward in the matter of education, and consequently it will be long, probably, before an interest will be felt in learning shorthand.

I will now suggest a few ways and means by which shorthand writing may be extensively used in India, and its field may be extended. So far as Calcutta is concerned, I regret to notice that it is far behind hand relatively to the other two presidencies to which I have just made some allusions. Calcutta, as I have already mentioned, has not a shorthand association to represent the interests of the professional stenographers practising in Calcutta. In view of the fact that there has been of late a favorable indication of a demand for the services of shorthand writers by the commercial offices in Calcutta, and some slight tendency is manifested among the young men fresh from the precincts of the university to learn shorthand, with a hope of getting an employment, the struggle for existence in India is so keen, that if the present unsatisfactory state of things is allowed to go on for some time unremedied, it is almost sure that a tremendous revolution will ensue. Intellect has no reward in India; genius goes unrewarded; merits are seldom recognized. That a revolution will take place is almost certain.

The exact number of stenographers in Calcutta cannot be estimated accurately, as stenographers are not yet classed as a separate profession in the census. But I will try to give you some facts from which you can form an idea as to how we are employed and how our services are appreciated. There are in Calcutta nearly one hundred large commercial firms who deal with business of a multifarious nature on an extensive scale, most of whom have been engaging the services of shorthand writers. The pay allowed to these men is very poor, in comparison with that of England, America and other countries. One hundred to one hundred and fifty rupees per month, *i. e.*, forty to fifty dollars a month, is the average income of those young shorthand clerks employed in business houses. The

attorneys and lawyers are also found to seek the services of stenographers for facilitating their arduous legal works. The Stock Exchange or the Bengal Chamber of Commerce—the premier representative body of the Calcutta merchants—has three or four stenographers, all of whom have to write out letters at the dictation of the secretary and assistant secretary, and there is one man who attends to the committee meetings. The only vast field still lying untrodden by the stenographers is in the law courts. The Calcutta police court can easily retain a dozen stenographers, who may be of considerable assistance to the magistrates. But up till now there is not a single official stenographer here. The high court may also advantageously increase the number of its official stenographers by nearly two dozen. In the district courts—both civil and criminal—there is much room for improvement. The high court, which controls the judiciary and the Bengal government, should be appealed to to introduce this much needed reform. I have every reason to believe that a great deal of administrative convenience will be effected if the government can see its way towards making improvements on the lines prescribed by the government of Madras. Intricate points of law always come before the courts of justice and go unreported; but if those important points were taken down by the official stenographers of each district court in Bengal, the government could judge for itself which points in the statute in force are defective and require amendment. In these law courts reporters' services can very profitably be utilized. At present the presiding officers—the magistrates and the judges—have to take down notes of the evidence of a large number of witnesses, but sometimes it so happens that, owing to heavy pressure of work, they are compelled to take down only a few of the more important points in the depositions and cross-examinations. The parties, *i. e.*, the plaintiffs and the defendants, in India, however rich they may be, are never disposed to engage a shorthand writer, on their own behalf, for taking down everything that may be going on before the court. In fact, they have no idea of the advantages attainable from doing so. You may be a little surprised at hearing this want of appreciation by the litigants themselves. There can be no doubt that, by the help of an accurate and full record of a case, both parties might be benefited. We certainly cannot expect the judge or the magistrate to take down in full. But suppose the case is settled in favor of either party, and either the defendant or the plaintiff not being satisfied with the decision, submits a motion in the high court for setting aside of the decision of the lower court. In that case he cannot produce any full record of what transpired before, and consequently the witnesses who gave their evidence in the lower court have to be recalled to give their evidence in

the high court over again for the satisfaction of the honorable judges. Then the discussions that passed between the counsel and the bench would, if preserved, have been of great service in the high court. But nothing is available. Thus you see there is a great field for Indian stenographers in this direction, if by our constitutional and loyal representation we can at any time convince the government of the importance of preserving the full records of all cases that may arise before the district courts, both civil and criminal. In this way some 300 official stenographers can find employment in the different law courts of Bengal only; and if this rule were applied to all over India, I think the services of more than 1,000 would be required. If two or three reporters are engaged in each district court, considerable saving of time and labor of the trying officers will be effected, and the judges will find sufficient time to hear the cases more patiently than they do at present. I am not the only man who advocates this reform, but a man in the position of Sir Romesh Chunder Mitter, Kt., late chief justice of the high court of Bengal, and now retired, expressed this opinion from his place as a member of the jury commission of 1893, appointed by the government of Lord Lansdowne. In a separate note attached to the report of the commissioners he says:

It seems to me of the utmost importance that in cases tried by jury there should be an accurate record kept of the judge's charge to the jury. At present, though the law requires that the sessions judge should record the heads of his charge to the jury, it contains no provision as to when or how such record should be made. As a matter of practice, I am informed, sessions judges generally record from memory or their own notes the substance of the charge delivered orally, after the verdict has been taken. This course is open to many obvious objections, and is likely to lead to unsatisfactory results. When an appeal has to be preferred to the high court in a jury case, the appellant, in appealing against an alleged misdirection of the judge, is sometimes forced to complain of the judge's charge, not as it was probably laid before the jury, but as it has been recorded by the judge after the verdict has been delivered. I am of opinion that the record should contain a strictly accurate report of the charge as delivered by the judge to the jury.

In my opinion, there are two courses, the adoption of either of which would secure this end: First, it should be made obligatory upon the judge to write out his summing up before he proceeds to charge the jury. But this is a course which, I am informed, though occasionally adopted by judges in the Mofussil, is fraught with inconvenience, and is likely to delay the trial. I am therefore disposed to recommend that a bench clerk should be attached to each sessions court, whose duty it should be to take down in shorthand the judge's charge as it is delivered, and whose transcript of the charge, when signed by the presiding judge, should form part of the record.

The suggestion contained in the above extracts seems to be very practical, coming as it does from an experienced veteran

lawyer like Mr. Justice R. C. Mitter. It is presumptuous for me to comment further on his recommendation, which I hope will soon be given effect to by the government of the land in the interest of both the ruler and the ruled.

Neither is press reporting in India very satisfactory. The majority of the newspaper reporters belong to the uneducated class who can seldom expect such a responsible post in America or Europe. They never feel the gravity of their duty. They can very seldom perform any difficult reporting business. As a consequence of this the general public have no confidence in them or the reports that appear in the paper, and so cannot place implicit reliance as to its correctness. There is much to be done to improve the status of the press reporters in India. Misrepresentation of facts always appear through the carelessness and incompetency of the reportorial staff. Reporting works of a difficult nature are always purposely given up. Whenever any big and interesting lecture is delivered the reporters present never try to follow the speaker, nor have they the requisite power to do so. The public expect that on the next day everything will appear and they will satisfy their inner desire by reading what does appear, but, alas! they find, to their deep disappointment, that only a few lines in the shape of a local paragraph has appeared. This is the way in which press reporting is generally done, though there is occasionally an exception. The meetings of the legislative councils are open to the press, but the reporters cannot do justice to the proceedings. In the supreme council almost all the members print their speeches, and a copy of each of them is furnished to the press representatives. In the Bengal council the reporting work is very difficult, and the reporter must do some labor if he resolves to give only a good summary. Speeches are all *extempore*, and unless notes are taken carefully the reporter cannot expect to render a good report for his paper.

The position and status of the stenographers in India is, therefore, really about as unsatisfactory as possible. How to improve this is the one question to be solved? It seems to me that if the prestige and reputation of the profession is to be maintained, the remuneration must be increased — the reporter paid an adequate compensation for his work. And you will find numbers of educated and honest men coming into this profession who will do their work in a creditable way. Let the government understand the utility of shorthand and let them appoint official stenographers in all district courts.

With these remarks I close this paper. I hope the facts I have ventured to lay before you will create in your minds a greater desire to know the state of affairs in India. I shall try

to submit another paper next year relating to legal reporting in that country.

Mr. BISHOP, at the conclusion of his reading of the foregoing, stated that he had with him an earlier paper that Mr. Pal had sent him, on the subject of *The Indian National Congress, and How Its Proceedings Are Reported*, parts of which he thought were at least as interesting as anything in the paper to which the meeting had just listened. He thought he could, if he were duly authorized by the meeting, *make extracts* from this earlier paper which might be advantageously included in our pamphlet of proceedings. If such authority were given, he would cheerfully pick out the passages that were most interesting, in a stenographic sense, and submit them to the printing committee for inclusion if that committee thought best. The Indian national congress being a unique body, a very representative one, one very numerous attended and very influential in India, from the high character and ability of its delegates, he thought the extracts would be both interesting and useful.

The meeting, on motion of Mr. Little, voted that Mr. Bishop be requested to make the selections as spoken of, the same to be printed following the paper just read, if thought advisable by the printing committee.

The following are the parts selected by him for publication:

THE INDIAN NATIONAL CONGRESS, AND HOW ITS PROCEEDINGS ARE REPORTED.

In order to remedy numerous administrative defects, it has been thought proper to organize a strong political body, representing all sections of educated India; and thus the Indian National Congress came into existence. It was decided that such a congress should be held every year, made up of educated and eminent Indians, leaders in various centers, all admirers of the political institutions of Europe and America, through the medium of which body all grievances could be brought to the notice of the government. The first congress was held in Bombay.

The year 1896 closed with the twelfth year of the useful career of this annual congress. Subjects of discussion during these years have been: Working of the Indian Administration, Abolition of the Council of the Secretary of State for India; Legislative Council — Its Expansions; Simultaneous Examination for the Indian Civil Service in India and England; Poverty of India; Public Service; Trial by Jury; Separation of Executive and Judicial Functions; Admission of Indians as Volunteers; Education; Indian Arms Act; Industrial Condition of India; Police Administration; Excise Revenue; Permanent Settlement;

Salt Duty; Forest Law; Military and Civil Expenditure; Medical Service; Compensation Allowance; Cotton Duties; Financial Condition of India; Recruitment of Higher Judicial Service; Freedom of the Press; Legal Practitioners' Bill; Grievances of Railway Passengers; etc., etc. The originator of the congress, Mr. A. O. Hume, a retired Bengal civilian, was many years connected with the government of India in various official capacities, and was the son of Joseph Hume, well known as a reform member of the house of commons.

The enthusiasm that prevails during the congress season is simply unique and unparalleled.

The proceedings begin with an address from the chairman of the reception committee. This speech is generally found to be printed, and is read out before the delegates.

On taking his chair the president of the congress then delivers a long speech, which, as a rule, occupies nearly three or four hours in delivery. This is also printed before hand, except that some presidents, instead of reading, speak *ex tempore*, referring at times to certain figures and quotations. Then the subject committee is selected, who decide the various subjects to be taken up by the congress.

On the president taking his chair next day the mover of the first resolution is called upon to support it. In response he comes to the speaker's particular platform or pulpit and makes his address, which is taken down by the official stenographer, sitting near the speaker's pulpit. The press reporters are generally provided with seats below the dais. Nearly the whole of the proceedings are conducted in English; though occasionally an up-country delegate prefers to express himself in his own mother language. The great majority of the press reporters are natives. Mr. Thomas Allen Reed, whom I have known very well since he came to India in his official capacity as the reporter of the congress and the royal opium commission, was twice invited to report the congress. He was first engaged in the year 1889, when the sittings were held in Bombay. In the following year he was again invited to report its proceedings. He was paid nearly 3,000 shillings for reporting each session, exclusive of his passage. Since then the congress has found stenographers in India who were competent to undertake this difficult task. It must not be understood that we can boast of a man of Mr. Reed's ability. One defective feature of the reporting of the congress is that one man has to report the whole of the proceedings, which continue for three or four days, the system of "turns" not being in vogue. Most of the native speakers in the congress have a very fine command of English, as if it had been their own mother tongue. Such leaders as

Hon. A. M. Bose, Hon. Surendranatti Banerjee, Hon. Mr. Charloo, Mr. Wacha, Mr. Pillay, Mr. Surma, Prof. Gokhale, Pandit Madan Mohun Malavva, Mr. N. Ghose, Mr. Kati Charan Banerjee, Mr. P. M. Mehta, Mr. Tilak of Bombay, Mr. Mohun Ghose of Calcutta, Mr. Hariwala and others, speak an English that can be well compared with that of the best speakers of the house of commons in London. It is, indeed, a matter of great difficulty for one, unaided, to report *verbatim*, the long, and at the same time, rapid speeches of these Oriental orators. Mr. Reed, in one of his articles in a London journal, says: "that in "point of speech there was not much difference between the "Indian speakers and their English brethren." He further says: "Indians are extremely imitative, and the method of conducting "public proceedings is perfectly understood by them." The business that almost wholly occupied the attention of the last congress was a resolution on the famine, the discussion of which occupied one whole day's proceedings, as many as thirty or forty speakers joining in the discussion of it.

The first speaker was Hon. Surendranatti Banerjee, whose speech was a masterpiece. He speaks generally at the rate of 180 to 200 words a minute, and the most expert shorthand writer's ability is taxed to follow him. I followed him with great difficulty. He never, however, goes beyond this average rate. The other speakers spoke for half an hour each, more or less, without any written notes. You can easily imagine how difficult it is for one man to take down in shorthand all that occurs in so lengthy a discussion. My experience is that it is impossible for one man to successfully report such a lengthy meeting. On this single famine resolution no less than five dozen people delivered addresses. The committee of the congress is perhaps unaware of the mental strain to which one reporter is subjected. Even Mr. Reed, with his half a century's practical experience, says that the task is too great for one reporter alone. In the absence of Mr. Reed the congress has succeeded in securing the services of good reporters for reporting the full proceedings, but it is doubtful if the reports furnished by them compare favorably with his.

Until recently the leaders of our country were in the dark as to the importance of reporting the speeches of our social, political and religious reformers. A dozen years ago there was apparently no desire to keep records of the speeches of our public men. Many great men lived and did their work whose public utterances have been lost. In reality the Indian national congress is the originator of this reporting movement. Besides, there were influential European gentlemen at the back of it. I believe Mr. A. O. Hume, who is the father of the congress,

was the man who advocated the employment of an official stenographer each year. Our own countrymen are still far behind hand in appreciating the worth of preserving the utterances of our political leaders and orators. They claim, too, that good reporters are not available in this country, and that bringing them from London is too expensive.

The proceedings of the Indian national congress are very inadequately presented in the daily papers of Calcutta. Very few of their reporters take down what is spoken. Indeed, it is impossible to report verbatim for a daily paper. One or two of the speakers I was unable to follow — Mr. R. N. Sarma, of Bombay, Mr. Howard, of Allahabad, and a few others. I was too much exhausted at the late hour when they rose to speak. The congress usually meets at 11 A. M., and when these speakers were called it was past 5. The mental strain was so great that I suffered an attack of fever a few days after my labors on the congress. There were nearly thirty other resolutions besides that on the famine, and on each no less than seven or eight gentlemen made addresses.

Mr. ARTHUR HEAD (honorary member,) of Towanda, Pa., read the following paper:

FACTS AND FANCIES OF SHORTHAND.

Mr. President and Fellow-Stenographers:

In responding to the invitation of your secretary to address this meeting, I do not flatter myself that I shall be able to suggest anything original, or that is not well known to every member of this association and to every experienced stenographer in the land. It is far from me to presume to instruct those from whom I should rather hope and expect to receive instruction. I shall venture no further than to again call attention to certain matters which, though well known to the profession, seem to be imperfectly understood by the public, and to emphasize the necessity of our endeavoring to correct some of the misapprehension which is so general among the people in regard to our profession. The fancies and misconceptions which exist in the public mind as to the capabilities, the limitations and legitimate functions of shorthand, the qualifications and preparation necessary to make a competent stenographer, and his duties and responsibilities in the profession, are as numerous as they are oftentimes absurd. Time and again have these fallacies been exposed; but they are like the famous ghost that would not "down." We owe it both to the public and to ourselves to do everything in our power to correct these misapprehensions, in order that our work may be properly under-

stood and appreciated, in order that unjust and unreasonable things may not be expected and required of stenographers, in order that students may have a more accurate idea of the labor and obstacles to be encountered and the duties and responsibilities to be assumed in the profession, in order that employers may better understand what it is reasonable and what it is unreasonable to expect of stenographers, and in order to avoid the disappointment and dissatisfaction which often come both to stenographers and their employers from a want of proper information on this subject.

To the mind of the general public the world of shorthand is as much a *terra incognita* as was the region beyond the northern mountains or the western ocean to the inhabitants of the ancient world; and almost as much a land of mystery and myth. The popular fancies and illusions in regard to our art are almost as numerous and fantastic as those with which the ancients peopled the unknown regions of the globe. Nor are these fancies entirely confined to the outside world. We ourselves are subject to illusions and fancies of various kinds. Nearly every young stenographer fancies that he can construct a system superior to any now in use, or at least that he can greatly improve the system he is writing by new and original modifications of his own. The disciples of Isaac Pitman fancy that the only safe highway to phonographic success lies in a strict adherence to the text-books of Mr. Pitman, and that any departure from the principles laid down by that most able and respected author leads only into the dangerous quicksands of an unknown desert. The disciples of Graham fancy that the true key to speed and success lies in a multitude of contractions, abbreviations and word signs, and that the shorter the outline the greater the speed. The disciples of Munson, on the other hand, fancy that speed as well as legibility is promoted by simplicity of rules and uniformity in their application, and that a multitude of contractions and abbreviations is a hindrance both to legibility and speed. The disciples of Lindsley fancy that they can guide the stenographic bark safely between Scylla and Charybdis by turning the standard alphabet topsy turvy and assigning new phonetic values to each of the old Pitmanic characters. The disciples of Thornton fancy that the open sesame to fortune and fame in shorthand lies in the abolition of shaded strokes and in the adoption of the airy "light lines" of that well-known system. The disciples of Bishop fancy that all unvocalized shorthand is a snare and a delusion, and that the mountain top of stenographic success can only be reached by discarding consonant outlines and adopting a connected vowel system. The disciples of Osgoodby fancy that the very useful devices of their own favorite system render it just a little supe-

rior to any other shorthand on the earth. The disciples of Cross fancy that the geometric systems are all at fault, and that speed, legibility and beauty of outline follow only in the wake of those who adopt the graceful and flowing forms of the eclectic script. The disciples of the American Pitman, of Burnz, Browne, Scovil and a host of others fancy that the modifications and devices of their own favorite systems are improvements which place them far in advance of all others. In short, the disciples of each of the numerous systems which have obtained a foothold in this country — outline systems, connected vowel systems, eclectic systems, geometric systems, script systems and *nondescript* systems — all fancy that the rest of the shorthand world is wandering in darkness and error, and wonder why so many thousand stenographers wilfully persist in closing their eyes to the sunlight of truth.

These are some of the fancies which are supposed to afflict, in a greater or less degree, nearly every person who practices the mystic art; but, being confined to the profession, they may be classified as a species of harmless *mania* which tend to counteract and neutralize the effects of one another within the stenographic body, upon the principle that *similia similibus curantur*. It is barely possible that in the course of time the great law of the survival of the fittest may settle the vexed question as to which of these fancies has the most substantial foundation of fact; but it is hardly probable that any member of this association or their children's children will see that day.

There is, however, a class of fancies of an entirely different character, and deserving of more particular notice. They are such as exist in the mind of the general public, and are too often fostered and encouraged by members of the profession for selfish purposes; especially by certain shorthand journals, which are supposed by the public to represent the profession, while in fact they only represent the private interests of the publisher, or of some shorthand system or school. The popular ignorance upon this subject makes it possible for the stenographic prevaricator to find credulous listeners to the most preposterous stories he can invent, and the effect of these stories is extremely harmful, for the reason that they tend to create erroneous ideas in regard to the art, to place our members in a false position, and thus to involve our most capable and deserving stenographers in the discredit which they tend to bring upon the profession.

First among these fancies is the idea that no special adaptation of mind or body is necessary to make a successful reporter; that the practice of shorthand is a mere mechanical art, and that success awaits all whose whim or fancy leads them to undertake the study. As a matter of fact, there is no calling or

profession in which mind and temperament play a more important part than in that of shorthand. Indeed, it may be safely asserted that the really competent verbatim reporter is born, not made. There are hundreds and probably thousands of persons spending their hard-earned dollars in shorthand schools whom no amount of study or practice can make reporters, for the simple reason that they lack the temperament, the quick perception, the muscular and nervous adaptability and the judgment which must be called into daily and hourly exercise in every branch of professional reporting. We might as well expect to make a two-minute trotter of a lumbering cart horse as to make a stenographer of a person who lacks the necessary mental and physical qualities.

Next to natural aptitude comes the question of preliminary education. There seems to be a general popular notion that no particular preparation is necessary to fit one for the successful study and practice of shorthand. It is probable that more aspirants for stenographic honors are wrecked upon this rock than any other. Who has not encountered the young stenographer, just graduated from some shorthand school, whose education was so defective in the matter of orthography and grammar as to make his services absolutely worthless, in spite of any degree of mechanical skill? No person who is deficient in any of the common branches of education can expect to become even a successful amanuensis, much less a reporter. One who expects to become a professional reporter must not only have a thorough and practical preparation in the common branches, but if he ever expects to rise above mediocrity he must be a person of liberal education, of large general reading and intelligence, with a fair technical knowledge of the most common sciences and professions; and even then he will find almost daily cause to regret that his education is not more thorough and his information more exact on some particular subject.

Another fallacy which has been persistently fostered, often to the disappointment and discouragement of really worthy students, is in regard to the length of time required to master the art. Not only in hundreds of newspapers, but even on billboards and fences, we meet flaming advertisements of "Shorthand in six months," "Shorthand in three months," "Shorthand in thirty days," and even "Shorthand in six hours." So great is the popular ignorance upon this subject that thousands of victims are found every year, who are willing to invest their money on the faith of these glittering promises. It may be conceded that a bright student, by close and diligent application, may acquire a fair knowledge of the principles of shorthand in six months. That is to say, he may memorize the fundamental

rules for the construction of outlines; but he is no more a stenographer than a person who has learned to decline Latin nouns and conjugate Latin verbs is a Latin scholar. He is no more a stenographer than a boy who has passed six months in a law office is a lawyer. It would be no more absurd to advertise "Law in six months," or "Medicine in six months," than to advertise "Shorthand in six months." The fact that every experienced stenographer knows the absolute absurdity of these claims is not a sufficient answer to them. It is not sufficient to treat them with ridicule because we know them to be absurd. There are thousands of intelligent people, business men, lawyers and others who have had every opportunity to inform themselves upon this subject, who seem unable to discriminate between competency and incompetency, or to grasp the fact that years of training and experience are necessary to make a competent reporter.

We owe it not only to the public, but to ourselves, to do everything in our power to correct these erroneous ideas and give the public some idea of the price at which proficiency in shorthand is acquired. Those who contemplate the study of shorthand should, if possible, be made to understand that even if they possess the requisite temperament and mental qualities, and the necessary preliminary education, it is not a matter of weeks or months, but of *years* of hard and persistent application, to make a competent verbatim reporter, and that even then real proficiency cannot be acquired unless particular attention is given to some special line of reporting. A scattering, haphazard practice cannot make a proficient reporter in anything. A man may practice his lifetime as a court reporter, and still be unprepared to do legislative work, and *vice versa*; and it may be doubted whether any court or legislative reporter, however experienced, would understand the reporting of a technical scientific lecture upon a subject with which he is entirely unfamiliar. The truly competent and successful reporter is as much a specialist as the truly competent lawyer or physician, and neither can reach any high degree of proficiency and success without years of experience in his particular branch of the profession. While it is a matter still open to discussion as to what liberties a reporter may and should take with the words of the speaker, it may be safely asserted that any stenographer, however competent, would soon find his services but little sought for were he to confine himself to simply reproducing the words of the speaker, without regard to their meaning. For this reason he must follow the speaker with his brains as well as his fingers, and must be on the alert not only to avoid mistakes of his own, but to correct the many slips of the tongue which few speakers would acknowledge having made if they appeared in

the transcript. Aside from his familiarity with technical terms, this is one of the strongest reasons why the successful reporter must be thoroughly familiar with the subject-matter which he is engaged in reporting, and it is self-evident that he can never become so without making a specialty of some particular branch of reporting.

There is no more mischievous error than the idea that a person who is able to construct outlines with speed is competent to undertake any branch of reporting without special training or apprenticeship in that branch. The saying that "Fools rush in where angels fear to tread" never applied with more aptness than to the young stenographer who has just graduated from some shorthand school with a diploma certifying that he can write 200 words per minute. He glibly informs you that the trifle of 200 words per minute mentioned in his diploma is nothing but his common, every-day speed, and that his real "Sunday-go-to-meeting" speed, if once he should let himself out, would be anywhere from 250 to 300 words per minute. From the bottom of his heart he pities the old professional who modestly admits his own inability to perform such marvelous feats. He wonders why the experienced stenographer hesitates to go outside of his special branch of work and undertake the reporting of some unfamiliar subject. There is no branch of reporting that he does not feel perfectly competent to undertake. Courts, legislatures, conventions, technical lectures are all the same to him. He moves upon them with the same confident boldness with which the Light Brigade moved upon the Russian columns at Balaklava, or Sancho Panza and the famous Don moved upon the windmills; and generally with about the same results. If he should survive the shock of these first encounters, and if his courage and perseverance should be sufficient to keep him in the ranks for five or six years, it will be found that his "Sunday-go-to-meeting" speed has entirely disappeared, that his every-day speed has fallen from 25 to 50 per cent. below what it was when he first "graduated," and that if he has the requisite natural aptitude and education, he is well on the road towards making a successful reporter. In making these remarks it is far from my intention to ridicule the novice in the art, or to discourage in the slightest degree his honest efforts. My only purpose is to point out some of the mistaken fancies which so often bring the young stenographer to grief, which cause disappointment and dissatisfaction to his employers, and tend to bring disrepute upon the profession at large. Nor is the novice alone in this species of prevarication. There is a small class of vainglorious professionals who are constantly seeking to gratify their vanity and love of notoriety by advertising themselves as "champions" in speed contests, as "record

breakers," and heroes in various other fake stenographic performances. It is a noteworthy and significant fact that none of these wonderful feats have ever been performed before a board of competent and experienced professional reporters; and the persons who make these extravagant claims, while they may deceive an ignorant and gullible public, simply advertise themselves to the profession either as wilful prevaricators or as novices who have not sufficient experience in the art to know whether their stories are credible or not.

Among these fairy tales which are from time to time circulated in the newspapers, and even in some shorthand journals, is the absurd story of reporting some unknown foreign language verbatim in shorthand "by sound" and making an accurate transcript through an interpreter. Incredible as this story is, there are people of average intelligence on other subjects, and even some persons who have some knowledge of shorthand, who are willing to believe that it is true. This fable was briefly referred to by Thomas Allen Reed in his paper upon the "Limitations of Shorthand," read before this association at Syracuse in 1896. The feat is simply impossible, for several reasons: First, no person can distinguish the sounds of an unknown foreign language, spoken at ordinary speed, so as to separate one word from another or distinguish where one word leaves off and another begins, much less to separate the words into syllables. Second, not more than half the sounds of a language are actually articulated in ordinary speech, so as to be separately and distinctly audible, even to one thoroughly familiar with the language, and the balance are understood by intuition rather than by actual hearing. Third, no two languages are made up of exactly the same sounds, and therefore if the writer were able to hear and distinguish all the separate sounds, he would be unable to write them for the simple reason that the characters which represent the sounds of one language could not, without assigning them other values, represent the sounds of another language. Fourth, it has been found necessary to supplement the very best phonetic systems with a considerable number of word signs and more or less arbitrary contractions for the most difficult and frequently recurring words, and in reporting a foreign language these word signs would be entirely useless, and the stenographer would be deprived of this important auxiliary, without which he could not even report his own language. Finally, the actual work of verbatim reporting is not done by sound at all, in the sense in which it is generally understood. No person can report even his own language by sound alone. That is, he cannot stop to analyze each word into its phonetic elements, which he would have to do in reporting a foreign language or any other words with which he was

entirely unfamiliar. No person can write in shorthand for a single minute a list of words with which he is entirely unfamiliar, if pronounced at ordinary conversational speed. No one can do even the simplest stenographic work who is not so familiar with the outlines of the great mass of words used in that work that their pronunciation instantly suggests their outlines, without any reference to their phonetic elements. We do not stop to analyze words into sounds when reporting any more than we stop to analyze print into letters when reading. To stop and analyze each word into its separate sounds would be nearly as slow and tedious as to stop and mentally spell each word while reading a printed page. It is true that we *learn* to report, in the first instance, by sound. That is, we learn how to construct outlines by sound; but before we can acquire any considerable speed these outlines must be constructed and stored away in the mind, ready for instantaneous use. It is true that we sometimes have to stop and build a new outline for some unfamiliar word while reporting, but no one can expect to do verbatim work until he has constructed and stored away in his memory a sufficient number of outlines to represent the great mass of words in common use in the particular branch of reporting which he expects to follow.

These are some of the reasons why it is impossible to report an unknown foreign language in shorthand and transcribe the same through an interpreter. If it be thought that more time has been spent upon this fable than it deserves, it should be remembered that the purpose is not so much to refute the story itself as to correct the misapprehension on which it is founded. The idea that actual reporting is done "by sound" is not confined to the public; but there are many young stenographers who fancy that when they have learned to spell phonetically and to trace and combine the characters which represent the various sounds of the language, they have mastered the art of shorthand. It is as much necessary to master a vocabulary of shorthand outlines before one can do verbatim reporting as it is to master a vocabulary of any foreign language before one can converse therein. A knowledge of this fact would not only do away with many absurd popular fancies in regard to the art, but it would go far towards giving the student and young stenographer a more accurate idea of the amount of labor and experience required to make a competent and successful reporter.

Another popular error, shared also by many young stenographers, is as to the comparative importance of mechanical skill, commonly called "speed." There is too much of a tendency in the profession to create the impression that mechanical speed is all that is necessary to make a stenographer, and that given the

requisite amount of speed, a reporter can "take" any kind of speech, no matter how rapidly delivered. It seems to be the almost universal impression that the one great requisite to make a successful reporter is mechanical speed. By permitting this idea to go unchallenged we not only mislead to their hurt thousands of students who are engaged in the study of shorthand, but we do much to lower the status of our calling from that of a profession to a mere mechanical art. It is indeed true that no one can make a successful reporter without speed; but it is equally true that speed alone cannot make a successful reporter. There are many stenographers whose "speed," measured by the minute test, would come fully up to the standard regarded as necessary for verbatim work, who can never make successful reporters, for the reason that they lack the sound judgment and practical common sense, commonly known as "gumption," which must be exercised by the professional reporter at almost every step in his employment. While "gumption" cannot, of course, take the place of speed, it may often go far towards supplying deficiencies in that direction, and it may be safely asserted that intelligence, judgment and common sense, with slightly deficient speed, is far preferable even to the highest degree of speed with deficient judgment.

Another popular misconception in regard to our calling is as to the character and amount of services required of the professional reporter. It seems to be the general impression that the office of an official reporter is a sort of sinecure, that his work is largely mechanical, and that he is a sort of animated phonograph, whose duty is simply to record the sounds that fall from the lips of the speaker, regardless of their meaning, and to reduce the same to longhand, *ipsissimis verbis*. Some years ago I was engaged in reporting an important case in which it became necessary for several days to hold sessions from 8:30 in the morning till 6 o'clock at night, with only an hour's intermission at noon. One day 140 witnesses were examined, and the testimony amounted to something over 250 pages of about 220 words each. On leaving the court-room I remarked to one of the assistant counsel, who had spent most of the day lolling back in his chair, with his eyes half closed, or strolling through the corridor with a cigar in his mouth, that I felt very tired. His reply to this rash remark was: "If *you* are tired, what do you think of *me*, with this great responsibility on my mind?" I replied that I had no doubt the strain must be terrible, whereupon he condescended to admit that he supposed stenographers *did* get tired *sometimes*; but added that as their work was "simply mechanical," it was not to be compared to the fatigue result-

ing from the great mental strain to which he himself was subjected.

As a matter of fact, it may be doubted if there is a profession known the practice of which will make greater inroads upon the physical and nervous system than that of a busy professional reporter. Not only must his mind be constantly on the alert, but his muscles and nerves must be in a state of constant tension, while the close and continued confinement often deprives him of needed physical exercise. The actual work of taking notes, exhausting as it is, is only the beginning of the reporter's labors. It is often expected of him that after a most exhausting day's work at reporting, he will do two more days' work during the night at transcribing, just as a matter of accommodation, or as a matter of course, and then come up fresh and smiling in the morning, prepared to repeat the performance. It is often his lot to toil while others rest, to wake while others sleep, and to fast while others feast. In fact, there seems to be a general impression that a stenographer is not subject to the limitations of bodily and mental fatigue which affect ordinary men.

Those who enter upon the study of shorthand expecting a life of ease, when once they have mastered the profession, should be disabused of the idea. I would not by any means discourage those who have the necessary mental and physical equipment from engaging in the study of shorthand; but rather dispel the fancies which fill the minds of so many aspirants for stenographic honors, and give them a more just and accurate conception of the mental and physical qualifications required as a preliminary to the study, of the labor and perseverance required to master the art, and of the duties and responsibilities they must assume as the price of success in the profession. To those who are possessed of the necessary natural and acquired endowments of mind and body, and who enter upon the study with an intelligent understanding of what is before them and what will be required of them, the study of shorthand offers a broad and inviting field. But those who enter upon the study imagining that in a few months, with very little exertion on their own part, they will be able to fill some responsible and lucrative position, and that thereafter they will continually bask in the sunshine of prosperity and wealth, are doomed to almost certain and bitter disappointment.

MR. McLOUGHLIN: One or two things occurred to me during the reading of Mr. Head's paper. I remember on one occasion hearing that famous orator, Daniel Dougherty, say that when he first appeared as a public speaker he was billed among that conglomerate class designated as "And others." I am under the impression that Mr. Head classed the system which I write (Burnz's phonic shorthand) in the category of "And others."

I wish, if possible, to lift it out of that class and place it where I believe it belongs, among the constellation of shorthand systems. It is conceded that Burnz's phonic shorthand is exceptionally legible. Its practical use by many expert reporters proves its rapidity. These two things being true, I can certainly claim that it is one of the best systems extant. Mr. Osgoodby and Mr. Thornton will have to come to the defense of their respective systems and give them the necessary lift. Another thing which struck me forcibly while listening to Mr. Head's paper was the amount of physical endurance that is required of a reporter who is obliged to take notes from 8:30 o'clock in the morning until 6 o'clock in the evening, with an hour's intermission. I believe that any man who is capable of doing that for any length of time must be a remarkable man physically. I think there might be some slight discussion and an interchange of views as to how long a man could take rapid notes for nine hours a day and live. While the paper is a very excellent one, these thoughts occurred to me to which I have given expression. As Mr. Head comes from another state, if it be in order I will move that a vote of thanks be tendered him for preparing this interesting paper.

The motion was unanimously carried.

The following paper was presented:

THOROUGHNESS OF PREPARATION FOR SHORTHAND WORK.

BY ARTHUR B. COOK, OF NEW YORK.

Those who have passed over difficult and dangerous roads naturally desire to render them less perilous for subsequent travelers. Can there be any profession or business in which this idea grows upon one more surely and steadily than in that of the stenographer? Looking back toward the expectant throng setting forth upon the journey, he earnestly wishes to warn them against the obstacles that have stood in his own way and that of others. This object may perhaps best be attained not by itemizing the difficulties, but by indicating general lines of procedure which may assist the wayfarer in his preparation and progress. A few suggestions of this kind are all that I shall now attempt. In fact, my chief object is simply to echo the warning that has been given by others in recent years, and to urge, in italics, in "caps" and in "double caps," that students of shorthand, for their own good and the good of their future employers, be *thorough*, THOROUGH, THOROUGH.

Stenography is a faithful servant when well mastered, but a merciless master when poorly served. It has been a veritable Klondike in its attraction for multitudes, who have heedlessly

set out, ignorant of the requirements, blindly eager for gain, only to turn back discouraged or to perish by the way. Thoroughness in the beginning will bring endless advantage in after years. It will result in untold saving of time, strength and money.

Let us take a familiar illustration: A young man, with insufficient common school education, misled by the advertisement of a so-called shorthand college, "Situations furnished after three months' study," leaves a modest but steady position, to which he is well adapted, applies all his savings, or a large portion of them, to the cost of tuition and board during the three months, and at the end of that time is set adrift with a certificate which insures for him — what? In many cases an experience of repeated application and rejection, of trial, dissatisfaction and dismissal, until, unable to secure employment in the new field, and without means to continue his study, he is far worse off than if he had not left his former occupation, or had sought one for which he was adapted. In the case of a young woman the situation may be still more serious. For instance, some years ago two young women came from a country town in Pennsylvania to one of our metropolitan cities for the purpose of studying stenography and typewriting. They were provided with money enough to last for three months, at the end of which time they confidently expected to secure positions. The course of study ended, their funds were exhausted, they were unable to find employment, and were ashamed to write home, confessing their failure, and asking for help.

And with those more fortunate, who succeed in obtaining positions, what often follows? A period of time during which the amanuensis in his struggle with the technicalities of the business and idioms of the particular office, tries the patience of his employer to such an extent as to convince him that the clerk is not worth his salary. The result is that although the stenographer may soon acquire such skill as to deserve an advance in salary, the employer may not soon get over his first impressions of value.

One great impediment with beginners in stenography is lack of expertness in the use of the typewriter. For the amanuensis of to-day to begin with this defect is just as if, in former times, one had been unable to write readily with the pen. Typewriting is an art whose thorough acquisition requires not only good talents, but long training of mind and muscles.

When possible, both shorthand and typewriting should be studied with a teacher. There are many valuable points in both branches that cannot be found in the text-books, but are imparted by the experienced teacher as occasion demands. The unfortunate custom of sending out so-called "graduates" before

their training is reasonably complete has been more or less forced upon shorthand schools by the popular notion that stenography and typewriting are short fields of knowledge to be quickly traversed by the average mind. This premature graduation is an injustice to the teacher, to the scholar and to the employer; but the consequences are especially severe upon the scholar, who, after three months' longer training, might have been able to command from one to three hundred dollars more per year, but without it must take the lower salary, and even then perhaps fail to give satisfaction. Again, there are many who, under the stimulus of supervision or class competition, will advance more in three months than they would in three years after admission to an office; and to such it is an incalculable misfortune to leave school before the proper time.

Much has been done by the shorthand colleges in the way of preliminary examination and otherwise to correct this evil; but it rests largely with the students to establish a higher standard by which their fitness for active service shall be determined.

A good *system* is of course desirable. But granting that a number of systems are good, it becomes a matter of prime importance to secure a good *teacher*. Good systems may have poor teachers, but good teachers are not apt to use poor systems. Let the beginner, if he is in doubt in the selection of a teacher, consult some practical stenographer of his acquaintance, or an officer of one of the leading stenographic associations, and having fully satisfied himself at the outset, he will then have that confidence in his teacher which is the first requisite of successful study.

But though the school preparation be careful and comprehensive, there are yet several points on which a word of suggestion may be helpful to one seeking employment. The field of stenographic labor is so diversified that it is impossible for the college to give special instruction in the technicalities of every business. Therefore when the amanuensis is applying for work in a particular department of industry, it is well for him to secure, if possible, some literature giving an idea of the technicalities of the office. Having thus prepared himself for the worst, he is much more at home when he comes to the test, whether the matter dictated be simple or difficult.

The same principle applies to preparation for reporting. In this calling the responsibility is so much greater that there is added need for precaution. The taking of dictation, with the privilege of stopping the dictator for correction or confirmation of notes, as compared with general reporting, where the writer is frequently thrown absolutely upon his own resources, is like rowing upon a placid river as related to ocean navigation. Those accustomed to convention reporting know what it is to

keep up with a rapid speaker who is trying to express volumes, and is limited to three minutes! It is hard enough, tied by the rope of reportorial responsibility, to chase the chariot of *one* speaker in a race with time; but when they come in quick succession, each with his own peculiar style, and one after another lashing the steeds of speech into a frantic rush, the following of such pacemakers becomes at times a fearful strain, and the pursuer, unless well trained for the emergency, must cut the rope or perish. In preparing for the occupation of a general reporter we would advise the student, as in the former case, to subject himself to the severest test, in the broadest view of the work, before he actually enters upon it. By so doing, freed from the handicap of anxiety, he will write with greatest success.

Shorthand offers many advantages as a useful and honorable profession, a well-paid department of clerical labor, and a convenient stepping-stone to all lines of professional and mercantile occupation. To elevate the standard of shorthand instruction is to make the advantages more numerous and valuable, while increasing the efficiency and usefulness of the stenographer.

MR. ROSE: If all that has been said and written during the past twenty years, upon the subject of preparation for shorthand work, could be collected together, it would make a large volume, and yet I doubt if we have made much progress toward the end sought to be accomplished. The failure to accomplish this arises from the fact that we do not reach the people whom we seek to benefit until it is too late. Very few take phonographic magazines or read the published proceedings of our associations until after they have studied the art and have been graduated from some of our schools. I think we would be more effective in our purposes if we could bring our schools to a realization of the fact that it is to their interest to send out thoroughly equipped students. It would be better for them, and it should be as profitable, to send out one pupil with a year's preparation, than to send out four with only three months' preparation. The school that adopts *Thoroughness* for its motto will soon outstrip all the three-month schools in the country, and it will not be long before they will become a thing of the past.

MR. McLoughlin: In reference to Mr. Cook's paper I will add just a word. I always have maintained that stenography could not be mastered in three months. I am confident that a shorthand reporter cannot become competent in less than two years. I recently advertised for a young man to take a position in my office as an amanuensis. An apparently bright young man of eighteen responded. I put him through a fairly rigid examination. He told me he had been studying shorthand in conjunction with other studies at a well-known school, and had

practiced it every day during the school term for three years. When I looked over his notes I found them very wild and unshapely. He wrote with a very dull pencil and made very large notes. He seemed to have no difficulty in writing them. The difficulty was in reading them. In my judgment teachers should pay the greatest attention to the reading of the notes. The main object with pupils seems to be able to write rapidly, and then turn out "any old thing" for a transcript. I am glad Mr. Cook presented his views on this subject, as he is one of the ablest reporters in the city of New York.

The following paper was presented:

A PLEA FOR THE COMPETENT AMANUENSIS.

BY CHAS. H. WHITE, OF SYRACUSE.

The desire not to appear churlish has inspired this production. Having been requested to furnish "something to be read at the convention," I endeavor to comply. But what can the occupant of an inferior plane find to write about that would interest the members of the N. Y. S. S. A.? Perhaps a few earnest expressions may not come amiss, designed to attract sympathy to a class of writers who are among the least appreciated members of the craft.

In accordance with what appears to be general agreement, the field of court, legislative and convention reporting is pointed to as the natural goal of the ambitious amanuensis. Indeed, many persons go so far as to express the conviction that no one outside that charmed circle should claim the title of stenographer. By this process the occupation of an amanuensis becomes merely a preparatory school, through which it seems necessary for one to pass that he may be fitted to enter at the sacred portal.

All this, from one viewpoint, may bear a strictly logical appearance. I am unwilling to incur the responsibility of branding it as unjust. But there is another way of looking at it, and one that may merit consideration. What harm could result from regarding each branch as distinctive and self-reliant, not the one a mere avenue through which the other may be reached? A military force is composed of cavalry and infantry. While the former is more swift, the latter has a value peculiar to itself. Could not a parallel to this be drawn and maintained in the shorthand ranks?

Were this suggestion to be adopted and systematically lived up to, would not some of the objections that may now be urged to remaining an amanuensis speedily disappear? It is true that the reporters cannot regulate the compensation offered to amanuenses, nor can they remedy many of the evils that beset

the class. They cannot cause to vanish, as by wave of magic wand, all so-called "Business Colleges" and "Schools of Shorthand" that exist only to enrich their proprietors at the expense of the fraternity. They cannot defeat the baneful influence of the "three months' system" and of the "short-term shark." They cannot prevent giddy girls and stupid boys from offering their services as amanuenses for "pin-money" or for "practice," or for insignificant pay. They cannot force business men to exercise their power of discrimination that the wheat may be separated from the chaff and each granted its deserts. But they can so recognize their worthy brethren of the typewriter and the office desk as to confer upon them a certain distinction in the eyes of the commercial world.

A man may be an excellent amanuensis, deserving of high remuneration, and yet be lacking in some quality essential to reportership. Or, though able to fit himself for reportorial duties, good reasons may exist for a decision on his part to remain in the amanuenses' ranks, seeing he cannot, in most instances, graduate therefrom to another line of work in the same office, being denied such advancement. You all know the old saying that "Shorthand is a good stepping-stone, but a poor permanency." Times have altered since that was first asserted. Shorthand is not now a "good stepping-stone," while it still remains a "poor permanency." Should such an one as the man just outlined be refused the recognition by members of the higher division, which might serve to mitigate the injustice of his lot?

Time was when to be even an office stenographer was to be one looked upon as singularly gifted. Time is when to write shorthand (particularly in offices) casts upon one the ignominy of an (alleged) inferior occupation. What has wrought the change? Has stenography deteriorated? Was its former high standing due solely to the fact that only individuals of evident ability took it up? May we say, without fear of contradiction, that it is now being estimated at its true value? Or, has the assault upon it in recent years, by persons unfitted to do it justice, caused the public to see it in a false light? The reporters, secure in the knowledge that only expert writers can reach their sphere, may think the unfortunate condition of the competent amanuensis no concern of theirs. Nor is it, if the doctrine of complete selfishness be maintained.

By the exertion of that peculiar attribute known as "mental vision," I can see the members of this time-honored association "in convention assembled," as I saw them physically in 1896. Ranging from beyond the prime of life nearly down to the heyday of youth, they present a picture full of power for the thoughtful mind, and not without its moral influence upon the

comparatively heedless. To the professional and to the non-professional eye, in almost equal proportions, the effect must be impressive; for here are men, some of whom have devoted many years, and all of whom have dedicated valuable energies, to the practice of a calling that by the average citizen (ignorant of what constitutes stenographic efficiency) is lightly regarded. Yet an analytical inspection of their faces does not reveal them as creatures of an inferior mould.

Selfishness and blind prejudice exist only in narrow minds. Therefore it is with confidence that I leave the questions here raised to the tender mercies of the gentlemen who comprise the membership of the leading stenographic association of the Empire State.

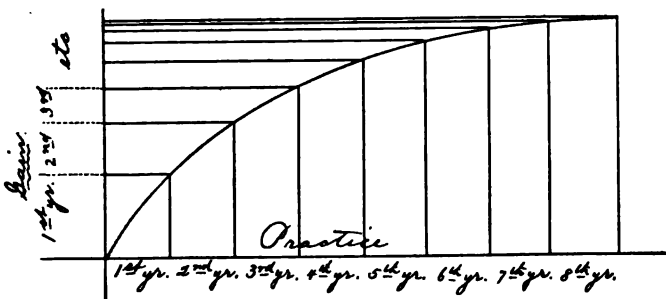
The following paper was read:

IS SHORTHAND A PROGRESSIVE SCIENCE?

BY A. P. BARNETT, KANSAS CITY, MO.

If one were to empty a bucket of water with only the aid of a cup, he would find, after reducing the water to a depth equal to the height of the cup, that each successive dipping removed less water than its immediate predecessor, until eventually it required as much work to remove a thimbleful as it did at first to remove a cupful. Each additional act of dipping would involve the same amount of labor performed, but would yield a smaller amount of water removed. In other words, there would be a "diminished return" for each successive act, until finally the result attained would be inappreciable.

This law of "diminishing returns," applicable as it is to the many processes of human endeavor, may be fitly applied to the practice of shorthand, and represented by some such curve as the following:



Thus the student of shorthand who learns to write 100 words a minute the first year will probably gain only 50 words the second year and 25 the third year. Each year's practice brings

a diminished gain, until finally no gain at all is appreciable. Almost as if written in regard to this particular subject, Herbert Spencer says: "The saying that practice makes perfect is but approximately true. The proficiency gained by practice first augments rapidly, then less rapidly, and at length scarcely at all. Each individual reaches a limit beyond which practice brings no sensible improvement." So that in shorthand writing there is *somewhere* a speed limit, varying, of course, with various individuals and with various systems and styles of shorthand. We have, therefore, to inquire into the possibility and method of enlarging this speed limit so that our shorthand proficiency shall be the highest attainable.

Preliminary to this inquiry, however, let us determine what degree of proficiency is desired; or, to put the question in another form, What is the speed possibility and speed limit of speech? For the determination of this question I propose the following tests, which we will call series 1:

First. Reading printed testimony.

By reading a page of printed testimony several times, until it is quite familiar, it can then be read at the rate of from 350 to 450 words a minute.

Second. Repeating a memorized sentence.

The sentence, "Now is the time for all good men to come to the aid of the party," can be repeated from eight to thirteen times in ten seconds, or at the rate of 384 to 624 words per minute.

Third. Reading figures.

Large numbers, such as 876,543 (eight hundred and seventy-six thousand five hundred and forty-three,) eleven words, can be read seven times in ten seconds, or at the rate of 462 words a minute.

Thus we see that the ability to speak rapidly exceeds by far the ability to report rapidly. In these tests I do not mean that each consonant and vowel shall be enunciated with the same distinctness as an elocutionist would enunciate them, but that the words shall be glided over as carelessly as they are in the court-room by the average excitable witness.

In these and similar tests we find that the speed possibility of speech ranges from 300 to 600 words a minute. Now, if such be the ability to speak rapidly, do we not often find lawyers and witnesses testing their abilities to the utmost limit? I, for one, say, Yes. I claim there are times in the trial of a case when the speed will run, for short times at least, as high as 350 words per minute; and this, I think, is a conservative estimate. It may be answered that such occasions are rare. Yes, but sometimes the words uttered are as important as the occasions are rare. If such be the speed possibility of speech, ought not

the shorthand writer possess an equal speed possibility of writing? Should he not be capable of meeting this possible requirement? These questions are as persistently pertinent to the shorthand reporter as similar questions are to the scientist, the statesman or the business man. Advancement is made so rapidly in medicine and surgery that a text-book five years old is considered somewhat obsolete. The shorthand profession should be progressive as well as other professions. We should not only become better educated generally, but we should become better fitted specifically. We should enlarge our speed limit — push it higher up the scale. Instead of being satisfied with 200 words a minute, why not strive for 300?

Turning our attention again to the main inquiry before us, namely, the possibility of enlarging the speed limit and the method to be pursued, we are confronted with the question, What is the nature of this speed limit? Is it manual or mental? or is it partly both? To aid in the determination of this last question, I propose two series of tests, one in which the psychic factors are eliminated as much as possible, and one in which the physical factors are eliminated as much as possible, to be called, respectively, series 2 and 3.

THE MANUAL SPEED LIMIT.

For the first test in series 2, in which the psychic factors are attempted to be eliminated, I propose the writing in longhand of some very familiar sentence, the more hackneyed the better. "Now is the time," etc., meets the requirements. I venture to say that the majority of shorthand reporters will be able to write this at the rate of from sixty to seventy words a minute, very few indeed going beyond the latter figure. I further venture to say that it would be futile for the average man to attempt, by practice, to gain a speed of 100 words a minute on this particularly easy little sentence. Why? The answer is prompt; the reason is apparent. There is a manual speed limit. To write one hundred words a minute would require more work than the hand could do in the time allotted.

For the second test in this series, I propose the writing of the common Arabic numerals, 1, 2, 3, 4, 5, 6, 7, 8, 9, 0. I have seen this tried perhaps twenty times by as many different persons, the average result being about 195 figures per minute. The speed limit on figures can be reached in thirty minutes' practice. It may be 190 or 210, or some other figure; but whatever it is, it seems impossible to enlarge it.

Now, figures are a kind of shorthand, but suppose we have a paragraph to write in shorthand in which the outlines would be as difficult to execute as the Arabic numerals; could we then hope to break over our manual speed limit, whatever it may be,

any more than we can hope to break over our manual speed limit in writing figures? The answer is evident.

For a third test in this series we will write the outlines for "topic" and "juggage." I find great difficulty in writing "topic" eighteen times in ten seconds, while I can write "juggage" twenty-five times in ten seconds. In each word the psychic factors are the same; hence we conclude that there is a difference in the ease of execution — that the difficulty in the one is manual and not mental.

For the fourth test of this series let us write the outlines for "at any time" phrased and unphrased. Unphrased, I can write it at the rate of about 270 per minute; and phrased, I can write it at the rate of about 400 words per minute, the difference being caused by the easier execution of the one than the other, and not by any important psychic factor.

THE MENTAL SPEED LIMIT.

For the first test in this series, in which the physical factors are attempted to be eliminated, I propose the reading aloud of well-written shorthand notes of testimony. I think it will be easy for the experienced shorthand writer to reach 350 words per minute.

For the second test of this series I propose the reading silently of the same notes, passing through the mind each word as indicated by the notes, but not retarding this mental process by any physical factor, such as vocal utterance or manual execution. I do not claim that in such a test we can make anything like an exact measurement, but still the test will show that the mental speed limit is far beyond even the speech limit, not to say manual limit. My own experience indicates that the mental speed limit is not below 500 words per minute.

CONCLUSIONS.

To sum up the foregoing series of tests, let us say that the manual speed limit is represented by the figures 200 to 250, the vocal speed limit 300 to 350, and the mental speed limit 400 to 500. This, in a general way, will serve to outline the relative positions of the hand, voice and brain in the race for speed.

The method to be pursued, then, in enlarging our shorthand speed limit is plainly indicated. We must *reduce the work of the hand* by reducing the number of strokes, written and unwritten, and by securing more facile forms. To show what can be done in given instances, I propose a fourth series of tests.

First. Let us write "Now is the time for all good people to come to the aid of the party" in what we may call the corresponding style of shorthand, using no phrases or abbreviations

except F for "for." In this style I find it difficult to write 200 words per minute.

Second. Write the same sentence in a highly abbreviated style, abbreviated for the purposes of this test, not that such abbreviation would be legitimate in actual work, but that it shows the direction our efforts must take in reducing the work of the hand. Let it be written thus: writing N for "now," s-circle for "is," eliminating "the," writing T for "time," joining F with an l-hook to get "for all," and joining P with an l-hook for "good people." Thus, arbitrarily, we have a phrase for eight words which is very easily executed. Then write K in fourth position for "to come," D the same way for "to aid," and P in proximity to "aid" for "of the party." I find I can easily write this conglomeration of shorthand outlines six times in ten seconds, or at the rate of 576 words per minute. Now let it be noted in passing that while the work of the hand is largely reduced in writing this brief style, the work of the mind has probably been also somewhat reduced. For instance, the mental work is reduced in the first phrase, which is supposed to contain eight words, because the mind is relieved of the work of conceiving these words in their proper positions. It is probable also that it takes less mental energy to direct the hand to write P for "party" than it does to write P-R-T. And similar instances of mental economy may be pointed out. But the main point to be noted is that by reducing the work of the hand the manual speed limit approaches nearer and nearer the mental speed limit.

Also, I think the foregoing tests tend to show that while during the first few years of shorthand writing the mental difficulty of conceiving the proper outlines probably exceeds the manual difficulty of execution, yet there comes a time when the manual difficulty exceeds the mental, and finally the manual speed limit is reached, whereas the mental speed limit lies far beyond. It is evident, then, that the only avenue for increasing speed is found in the process of reducing the work of the hand, which in turn tends ultimately to reduce also the work of the brain. From the foregoing tests we may also conclude that it is as foolish and impracticable to expect, by simply more practice, to acquire additional speed after the manual speed limit has once been reached (which probably happens after eight or ten years' active practice,) as it is to expect a race horse drawing a farm wagon to gain speed after his speed limit has been reached. Probably a farm wagon might be serviceable in breaking the race horse when a colt; but in order to increase his speed beyond that attainable with the farm wagon, you must give him a lighter vehicle.

But finally, in order to show that the foregoing theories are supported by practical work, I will say that for the past ten years I have attempted to reduce the work of the hand by gradually bringing my style of shorthand to a high state of abbreviation, and that my notes are not only legible to myself, but almost equally so to my wife, who has never learned to write shorthand, but who has learned the theory from the text-book and from my actual reporting notes.

Mr. Bishop moved that a committee of three on nomination of officers be appointed, which motion was carried, and President Law named Mr. Rodgers, Mr. Griffith and Mrs. White.

Mr. Rose moved that a committee be appointed on place of meeting. The motion was carried and the President selected Mr. Thornton, Mr. Munson and Miss Agan.

On motion, the chair appointed Mr. Osgoodby, Mr. Rose and Miss Teller a committee to draft suitable resolutions on the death of Mr. Willis H. Porter and Mrs. E. F. Rowley.

The convention then adjourned until 7:30 p. m.

EVENING SESSION—FIRST DAY.

When President Law rapped for order at the evening session there were sixty in attendance.

Miss Ballantyne presented nearly twenty of her former and present pupils, stating that they reserved the right to tell who they were. They responded with the Shorthand Technic Institute "yell," embracing the sounds of the long and short vowels, and diphthongs.

The following paper was then read:

THE HUMOROUS SIDE OF A REPORTER'S LIFE.

BY PETER P. M'LOUGHLIN, OF NEW YORK.

The scholarly paper read at our last annual meeting on "Educative Features of Court Reporting," by Mr. Gardiner, of Rhode Island, touched briefly on the humorous side of a court reporter's life. Had that distinguished ornament of the stenographic profession elaborated the subject, and treated it in his inimitable style, the writer of this paper would not have attempted to add anything. The possibilities of the subject, as indicated in Mr. Gardiner's essay, doubtless led the topic committee to suggest as a subject for this year's meeting the title of this article. In the preparation of his paper Mr. Gardiner showed deep learning and a remarkable knowledge of all that had been written on the subject of court scenes by writers of

fiction. A perusal of it is an inspiration to the young stenographer to procure for his library and carefully read the many authors who have so faithfully pictured amusing court scenes, the details of which remind us of similar scenes in which we have been participants. What greater pleasure is derived from any recreation than in reading in a work written by some master of the English language a description of a place we have visited, a portrayal of characters of whom we have met counterparts, or a reproduction of scenes with which we are familiar. The learning and erudition shown, not only in the paper referred to, but in many other papers read at our annual meetings, gives us reason to claim that we belong to one of the learned professions. Indeed, few lawyers, whether they practice in New York or Rhode Island, could excel the finished paper of Mr. Gardiner or give such a comprehensive account of scenes incident to court proceedings.

Much has been written, both in the daily press and in works of fiction, on the humorous features of law cases. Skilled reporters, keen-witted, bright and highly intellectual, attend the sessions of all the important and unimportant courts in the larger cities of the state, and the reading public is furnished with full accounts of everything that could possibly interest them. These writers for the press seldom miss an opportunity to describe with their graphic pens the irresistibly funny and ludicrous scenes enacted in the trials of cases. For many years the police court of New York city has been the field where the cleverest newspaper reporters exercised their brilliant talents, and many times their wonderful imaginative powers. It is difficult indeed to explain fully and completely the brilliant flash of wit or the humorous expression that caused such a roar of laughter in court. The surroundings, the actors, the facial expressions, the intonation of the voices, are all necessary to a full appreciation of funny situations. These cannot be reproduced. Sketch artists may attempt it, but they never fully succeed.

The poor man's court is the criminal court. While the civil courts are engaged in determining how much money shall go from one man's pocket into another's, the criminal courts are dealing with the solution of questions which always involve the liberty and many times involve the life of the citizen. If a rich man takes money from another, it is in many instances called conversion, and a civil suit is the result; if a poor man fails to pay the last instalment on his household furniture, it is often called larceny, and he is haled before a criminal bar to answer. In a criminal court vice is seen stripped of all the attractiveness which may attach to it at times. It there presents no charms or allurements. "Does not the constant attendance at a criminal

court, hearing all those tales of wickedness, tend to make a man bad?" was asked of the writer by a well-intentioned clergyman. The answer was an emphatic "No." Lessons of the purest good may always be drawn from a contemplation of the vilest evil. An attendance upon the sessions of a court where people are tried for crime tends to make a man better rather than worse. He sees nothing but the wretchedness and misery which results from violating laws that are made for the protection of the morals of the people. The writer has been for ten years a stenographer in the most important criminal court in the country. Thousands of cases, ranging from simple assault to murder, and from the larceny of a penny to the stealing of a quarter of a million, are tried yearly. All nationalities are represented in the endless procession of criminals that pass before the bar. All dialects and patois are spoken, and English is spoken there as it is spoken nowhere else under the sun. Many witnesses insist that they can speak the English language and do not need the services of an interpreter; others have so many peculiarities of expression that it is difficult to tell whether they are talking in English or in some other tongue. Imagine the work of the stenographer as he attempts to wrestle with the Hebrew jargon, "Yiddish," as it is familiarly called on the east side of New York City, intermixed with a few alleged English words, and this with the knowledge that he may be asked to read the testimony, which neither court, jury or anybody else (except himself, because he possesses super-human power) can possibly understand. When the services of an interpreter are called in, the stenographer's work is easy, but sometimes it is amusing. A Venetian gentleman of refined tastes and elegant habits acting as an interpreter in one of our courts has frequently edified, or rather electrified, the members of the bar by his translation into English of accounts of ordinary Italian rows. One Italian peanut vender, ignorant to the last degree, is stabbed by a Sicilian gentleman of about the same type. The complaining witness is reported by the highly educated interpreter to have described the row in this thrilling and picturesque fashion:

"The initial commencement of this occurrence consisted of an animated colloquation. Then my antagonist indulged in violent vituperation and scandalous behavior towards my person. I defended myself by the use of fisticuffs. Immediately thereupon my adversary, with much fire in his eye and a great deal of vehemence in his expression, procured a stupendous carving utensil and projected it with much force into a vital part of my bowels. I lost consciousness and relapsed into a comatose condition." "Is that what the witness said?" inquires the examining counsel in amazement. "What have I to do?

I interpret what the witness says," indignantly responds the scholarly interpreter.

Judging by the way some English-speaking witnesses of about the same order of intelligence would describe a similar encounter, this is doubtless what the interpreter heard in the pure Italian patois:

"Dis ting begun by him callin' me a doity loafer. Den I sez, 'You're anudder,' and he sez, 'You're a half-baked, cross-eyed, hay-eating chimpanzee' (or words to that effect), an' gi' me a kick up in de back. I hit him a smash in de puss. I seed blood in his eye; den he drewed a knife an' gi' me a dig in de stomick, an' put me t' sleep — see? Dat's all I knowed. I wuz knocked out."

The peculiarity of the dialect of the New York tough has been perpetuated by Mr. Edward W. Townsend, in his clever "Chimmie Fadden" sketches, first printed in the *New York Sun* and afterwards published in book form. Mr. Townsend no doubt gathered many of the rare slang expressions found in his book while serving as a reporter in the criminal courts. Had he access to the stenographer's notes, in many cases he could have added considerably to his stock of tough "langwidge."

It is amazing to observe the coolness with which a typical New York tough can describe his connection with a larceny, or his participation in a first-class robbery. Not at all abashed by his surroundings, and evincing no fear of the consequences, he proceeds with his narrative of crime as though he were telling a Sunday school story. The following leaf from a note book will serve to give an illustration of this type of character. An enterprising young gentleman accused of robbing an elderly man is giving evidence with the intention of clearing his confederates in the crime. He says:

"I went into dis s'loon to have a drink with me frens. I see dis old guy standin' with his belly up agin de bar. I sez to one of me frens, 'Dis is an easy mark; I'm goin' to get him.' Dey didn't know what I was goin' to do or what I means." "What did you mean by that?" inquires the counsel. "I meant that I could steal his watch off of him widout his knowin' it. I went up against de man and sez, 'Have a drink?' He sez, 'Are you doin' dis?' I sez, 'Yes.' He slapped me on de back and kind of faced me, and I, lookin' right at him, pulled up de watch out of his vest pocket, gev de ring of de watch a twist, and de trick was done. So when I had de watch I turned him round towards de bar so dat de odder blokes what wuz in de saloon wouldn't see de chain hangin' down. Dees odder fellers what was with me didn't know nothin' about it."

It is probably needless to state that an intelligent jury did not

believe the latter part of this young gentleman's story, as they promptly convicted two others whom the evidence showed were equally concerned in the crime.

It matters not how serious may be the case on trial, humor is sure to creep in; indeed, the more grave and important the question at issue the more likely is humor to appear.

Amusement is often found in the examination of talesmen to ascertain their qualifications to serve on important cases. The law has been so generous in exempting certain classes of our citizens from jury duty that service in this branch of the administration of the law is limited now to small tradesmen, mechanics and retired gentlemen. The modicum of intelligence exhibited is surprisingly small. A German green grocer is being examined by distinguished counsel as to what his definition of conspiracy is, and innocently answers, to the surprise of his auditors: "I will take the advertises from the witnesses, and then I will see what I will do about it." "And what will you do about it?" blandly inquires the counsel. "Well, when we go into the jury-room, if there is one stubborn fellow we all get at him and try to bring him round, and if we can't bring him round we go round to him."

A jury is being secured to try a man for murder. A talesman appears and is asked the usual statutory question:

"Have you any conscientious scruples against the infliction of the death penalty?" "No, sir."

"What is your business?" "Slaughtering."

Another talesman is examined, and again the same question is put:

"Have you any conscientious scruples against the infliction of the death penalty?" "Yes, sir."

"What is your business?" "Life insurance."

A ponderous German gentleman, engaged in the delicatessen industry, is being closely questioned as to his views in regard to evidence, and emphatically asserts that he has a prejudice against circumstantial evidence. Being asked why he, in the prosaic pursuit of selling bologna sausage and cooked ham, should have a grudge against such an old-established business as proving guilt by a series of facts, gives this striking answer:

"Because if a man steals thousands of dollars he gets nothing; if he steals a loaf of bread he gets ten years. If a man does nothing he gets plenty; if he does something he gets nothing."

Counsel agreed that owing to the great demand just at that time for Swiss cheese and bologna sausage, the juror should not be one moment further detained from his business of catering to the public appetite.

"Judges should be more learned than witty," says Bacon in

one of his essays, yet how frequently does the stern judge on the bench relax his features and let out some irresistibly funny remark or expression. There are traits of character that are seen to have a comical side as soon as they are brought into view, and even the strictest preserver of dignity is tempted at times to deviate from the sobriety which becomes a court of justice and indulge in a witticism.

An Italian is on trial for stabbing one of his own countrymen — fortunately they confine their carving of human beings to their own race — and a young attorney is assiduously endeavoring by a long series of questions to ascertain just in what part of the premises the stabbing occurred. "Were you stabbed in the hall," he asks. "Were you stabbed in the back yard?" "Were you stabbed in the areaway?" "Were you stabbed in the cellar?" And then the court breaks in with the remark: "Counselor, what is the use of asking all those questions when the witness has already told you that he was stabbed in the stomach?" A joke. The stenographer laughs as he sees it, and perhaps he is the only one who does see it, even now. There are a great many jokes intended to be such that are never seen.

An Irishman who followed the sea for an occupation, and never touched a drop of water on land, is narrating the circumstances of a robbery committed on him in a West street saloon. He says:

"I went into this saloon to have a drink. I had two or three drinks of West street whiskey. These two young fellows came in. I asked them to have a drink with me; they said they would have cocktails. I, thinking that it was something to eat they wanted, said that I would have a piece of the breast, as I was not used to eat feathers. They laughed at me, and then one of them catches hold of me by the neck, and the other went through me pockets. He took me knife, me plug of tobacco, me discharge papers, twenty-five cents, a pawn ticket, all I had on me; then they put me on the flure and took the shoes off me and made off with them."

"Where did this happen?" inquires the court.

"In the Honest Man's saloon, yer honor, corner of West and Murray street," answers the witness.

"I would advise you to keep away from *that* honest man's saloon in the future," remarks the court.

A Hebrew clothing dealer is on the witness stand, describing in broken English the theft of a coat and vest from his store, and says:

"Dees man, chentlemens, comes in by my store and asks to see a coat and vest; I show him de coat and de vest; he puts de coat and de vest on; then he asks me to show him a pair of

pants; I show him some; he wants to see a pair that is on the top shelf; I go by the ladder up to get them down; he runs out by the store; I run and holler, 'police,' 'murder,' 'stop thief,' 'watch;' a policeman comes running along; I says, 'Catch him,' he shouts to the thief to stop; the thief don't stop; the policeman pulls out his pistol and is going to shoot; I pulls him by the arm and says, 'Mr. Officer, Mr. Officer, please shoot him in the pants.'"

"Why did you say that?" asks the court.

"Because the coat and vest were mine." is the reply. Everybody laughs.

A profound philosopher has said, "The most utterly lost of all days is that on which you have not once laughed." There are some who can laugh without making any noise; and there are some who make nothing else but noise. There are some laughs so hearty that it makes one feel good to hear them; there are other laughs so cold and meaningless that it makes one wish he had never heard them. "He has a metallic laugh and a smile like a Cheshire cat," was the manner in which a certain counselor described the character and quality of the laugh and smile of his opposing brother. The judicial laugh must necessarily be a suppressed one, usually buried in a handkerchief, for it is the duty of the presiding justice, after a laugh has broken loose in court (even if the joke be perpetrated by his honor) to compose his features and call the misbehaving crowd of spectators to order, saying in severe tones: "If the officers can find the persons who laughed out loud they will bring them to the bar and the court will imprison them. This is not a circus or a side-show." The court officers look searchingly through the crowd of spectators, but, of course, do not find the offending merry-makers, and the business of the court is resumed with greater gravity than ever.

Wit does not seem to be so general among the members of the bar now as it was in the old days, if we are to judge by reading the reports of some old case. In the present day some of the brilliant flashes of wit which formerly caused delight and surprise would be unappreciated. Humor and the broadest and most farcical kind of humor seems now to be necessary in order to make the people laugh. This change of taste in the public is evidenced in the numerous farce comedies which have had long and successful runs at our city theatres, while the old style of comedy, full of sparkling and genuine wit, has practically disappeared. Humor draws its materials from situations and characteristics, is deep, thoughtful and often hilarious. Humor is creative; wit is destructive. It may be that many members of the bar of the present day are too much engrossed in the serious part of their work to indulge in wit. It may be that

others are not capable of doing so. Some of the latter class often cause a laugh by the slowness of their wit. Imagine a lawyer who claimed he had been twenty-five years practising law gravely inquiring of a jury before they were sworn in a case in which a reform society had a slight interest: "Are any of you gentlemen members of the Society for the Suppression of Cruelty to Vice?"

And another brilliant barrister, informing a jury as to the provocation his client had for striking a violent blow, saying: "She called my client a vile epitaph."

Counsel in examining witnesses often meet with tartars. As soon as the cross-examination begins many witnesses assume a defensive attitude, and regard the questioning counsel as their sworn enemy.

"Have I not seen your face before?" asks a counsel of one of this class of witnesses when he is excited, and quickly the answer comes: "I don't know; I have been a keeper in the state prison for some years."

A physician is on the stand, and is being pestered by questions put by a lawyer who is anxious to air his scanty knowledge of medicine and medical terms.

"How long can a person live with insufficient brain development?" he asks. "I don't know; how long have you lived?" thoughtfully responds the physician.

"Where do you live, on the pike?" asks counsel in examining a witness who wants to avoid imparting any information in that regard. "That's it; you turn right on the pike."

"You are living on the road then?" "Am I?"

"Do you live on the road?" "No, we don't live on the road now; we paid the rent and the landlord let us move in again."

"Well, does the road face the house?" "No, the road lies down flat; it faces the sky."

"Does the house face the road?" "No, the house stands up and faces the cornfield."

"Does the road run by the house?" "No, the road stays still, but hogs run by the house."

"Which side of the house is the road on?" "I never see no road on the side of the house; but there's some windows on the side of the house."

"Is your house on this side of the street or on that side?" "Oh, it's on that side when you go out."

"Well, if it's on that side when you go out what side is it on when you come in?" "Why, it's on this side."

And the jury who have been sworn to do so proceed to determine on the evidence where the witness lives and on which side of the road his abode is situated.

A counsel who was noted for his flamboyant language is summing up a case involving the simple question of whether the driver of a broken-down car horse had been cruel to the animal or not. Two veterinary surgeons had been called to testify, one a college graduate and the other a young man who had studied in the office of a veterinary surgeon. In commenting upon the comparative value of the evidence of the two experts, he said:

"Gentlemen of the jury, which will you take, the evidence of this young fledgling freshly sprung from the loins of a homeopathic horse doctor, or the evidence of this college-bred, graduated and degreed professor of veterinary surgery? Which will you take, gentlemen; which will you take, the phosphorescent glare of untutored ignorance or the Promethean heat of the truth of educated science?"

The jury evidently preferred a little of the "phosphorescent glare" in theirs, as they promptly acquitted the hapless car driver.

The bane of the court stenographer's existence is waiting for the jury. What dreary hours are spent in watching and waiting for the twelve men to appear, render their verdict and allow the court to adjourn. The old familiar stock of stories are with clock-like regularity produced and gone over. Some of them may be familiar, but a few of the oldest and most time-worn will bear repetition in this article.

"I remember," starts in one lawyer, who, being somewhat older than the rest of the party, assumes to speak of days gone by, "I remember hearing a good story once of a lawyer who was summing up a case, and got off a most pathetic speech something in this fashion: 'Your honor and gentlemen of the jury: The goats may roam on the mountain-side plucking tender blades of grass to give them sustenance; they may without let or hindrance eat the brilliantly illuminated playbills off the city fences, or masticate the toothsome tomato can in the public dumping-ground, but this poor creature, my client, must be cast into an ignominious dungeon and be deprived of all these necessities and luxuries of life.'" One of his friends afterwards complimented him on his speech, and he replied:

"Why, do you know if I had not made that speech they would have sent that man to state prison for twenty years."

"Is that so? Why, what was done with him?"

"Why, after they heard that speech they hung him."

"There was a darkey tried here in this court the other day," breaks in another lawyer, "and when he was asked his business, he replied that he was a 'ball dodger.'" The judge and every one laughed. "A new occupation," remarked the judge. "How many do you dodge in a day?" asks one of the counsel. "Two or three hundred," is the reply. "My, what a thirst," thinks the

stenographer. "Where do you carry on this business of ball dodging?" asks counsel. "Down at Coney Island," is the answer. I puts my head through a hole in a piece of canvass and lets the guys throw hard baseballs at me. If they hit my head they get a good cigar, but I'm paid for not getting hit."

"Well, you do hear some queer things in the trial of cases," says the judge. "There was a man tried before me for murder a few years ago. He was a decent sort of a fellow in his way, but unfortunately he got into a scrape in a saloon and stabbed a man to death. When he was put on the stand his counsel asked him, 'What is your business?' 'Trouble hunter,' was the prompt reply. 'Were you out looking for trouble this night?' 'Yes, sir; it was a very stormy night. I am employed by the Western Union Telegraph Company to hunt up trouble on the wires.'"

"Well," yawns the court lounge, the member of the house of lords, that mysterious individual who spends all his time in the court-house listening to the trial of cases and never leaves till the last jury in the last case is in, "I remember hearing a good story once. It was about a Jew who had unfortunately killed a man. His name was Rosenstine. He was very anxious, of course, to get off. By some hook or crook he managed to get his friend Polinski on the jury. He reached Polinski and told him if he would get him off with murder in the second degree he would pay him five hundred dollars. When the case was given to the jury they retired and were out for a day and a half. Finally they returned with a verdict of murder in the second degree. Rosenstine saw his friend Polinski and thanked him for what he had done. 'Oh,' replied Polinski, 'I had such a hard time to do it. I wanted to make that five hundred. Eleven of those fellows wanted to acquit you, but I brought them around to the second degree.'"

"That's an old one," everybody remarks, but perhaps it is not as old as the next one that a young lawyer ventures to tell as though it was his actual experience. "I had a case once where I was assigned to defend a colored man charged with stealing a pair of pants. The evidence was pretty strong against him, and when it was all in I tried to induce him to take the stand and deny the charge. He would not do it. He was finally acquitted by the jury, and the judge told him he was discharged. He would not move. I went to him and again told him he was free to go. He sat in his chair as though he were glued to it. I told him again, and then he whispered to me: 'Please let me wait until that complaining witness against me gets out of court. I got them pants on me now.'"

"Why is a lawyer like a restless man in bed?" asks the worn-out stenographer, and there being no response he answers his

own question: "When he gets tired lying on one side he turns over and lies on the other."

"Our friend, the stenographer, is very witty," remarks the judge, "but do you know I heard a good one about shorthand writers the other day. Two men meet on the street, and one says to the other: 'Do you know Bill Smith?' 'Yes, what about him?' 'He had his hand cut off up to the wrist.' 'That was too bad.' 'Why, no; it was the best thing that ever happened.' 'How's that?' 'Why, he was only getting two dollars a day, and now he's getting five — he's a shorthand writer.'"

"That's a good one," says the weary stenographer," but we shorthand writers earn our money. Do you know the severest test of a stenographer's ability? It is reading testimony from his original notes to a jury. I knew a stenographer once who could read his notes for hours to a jury and never once get stuck. He was a resourceful gentleman, and if he came across a bad passage he would give a quotation from Shakespeare or tell a funny story, and the jury would not know the difference," and here the story-teller is interrupted by a tramp of feet, a whispering, the unlocking of doors. "The jury want some of the testimony read," says the judge. Was it the testimony of that easy-going, well-spoken old gentleman, or that dignified lady, or that witness who testified through the interpreter. Oh, no; certainly not; it never is. It is the testimony of that witness who insisted he could speak English, and rattled on for half an hour in an unintelligible jargon. The stenographer starts at his task and reads the required evidence. The jury accepts the stenographer's interpretation of it and render a verdict accordingly; the court adjourns for the day, and the stenographer goes home to recuperate for his next day's work.

MR. BISHOP: I do not know if it is in order to move a vote of thanks to one of our own members present, but if the stenographer in the Carlyle Harris case will accept, I would like to do so.

Motion carried.

MR. THORNTON: The committee on place of next meeting, after prolonged discussion, have decided in favor of Albany.

Mr. Bishop moved the report be accepted and adopted, which was carried.

The committee on nominations presented the following list of officers for the ensuing year, which was balloted for and duly elected:

President — PETER P. McLoughlin, New York.

Vice-President — IRVING C. HUTCHINS, Rochester.

Secretary and Treasurer — KENDRICK C. HILL, New York.

Librarian — M. JEANETTE BALLANTYNE, Rochester.

Executive Committee — EDWARD SHAUGHNESSY, Rochester, (Chairman); JOHN P. MARTIN, New York; JOHN E. KELLY, Troy; A. B. WEAVER, Buffalo; SARAH A. MOORE, Elmira.

Retiring President Law appointed as a committee to conduct the president-elect to the chair Messrs. Rodgers and Rose, and they having performed this pleasing duty, President McLoughlin said:

Ladies and Gentlemen of the Convention: I wish to thank you sincerely and heartily for the honor you have conferred upon me in electing me president of this association. The honor is as unexpected as it is undeserved. When I consider the high character and remarkable ability of the men who have preceded me in this office, and contemplate the fact that it is the highest office in the gift of the stenographers of New York State, I feel a sense of my own unfitness for the place. If, however, a determination to do everything that will inure to the benefit of the association, that will enhance its dignity, and that will be of advantage to its members, will bring me success, I feel bound to win it. I promise that I will work in season and out of season for the New York State Stenographers' Association, and with the aid of the other officers endeavor to bring it up to even a higher standard of perfection than it has reached in the past.

I again thank you for your exceeding kindness to me, and for your courtesy in listening so patiently to the paper which I had the pleasure of submitting for your consideration.

Accompanying the following paper on "Stenographic Miseries," Honorary Member Bengough wrote:

"I had hoped to be present and enjoy the fellowship of your association, but I am unexpectedly debarred from participation in the feast of good things provided by the cultured men and women in whose company I have always found such delight. I take the opportunity offered in your secretary's postscript, and forward my lunch-basket, thus contributing my poor portion to the phonographic picnic. Many may think my contribution too vinegarish, and perhaps not in keeping with picnic propriety; but the philosophers in your phonographic fraternity, after due rumination, will conclude that pickles sometimes form a pleasant contrast where sweets and condiments and cakes abound, and that the poet was right when he wrote: 'Variety's the very spice of life.'

"It would be quite appropriate to add to the list of miseries that of the unfortunate scribe who was left outside the door of the banquet hall while the phonographic feast progressed, being permitted to hear only the echoes of the laughter which followed a Little joke, or the applause which greeted the literary

litany as pronounced in musical cadences by the Bishop, or the sharp sound of the gavel in the hands of the Law; but I forbear recounting these additional miseries lest you should call me — Jerry-miah.

“I trust there may be just sufficient misery in your bill-of-fare to enable you the better to enjoy the pleasant things, and trust that your association — the Nestor of them all — may grow and prosper, and become a still greater power in the stenographic world.”

STENOGRAPHIC MISERIES.

BY THOS. BENGOUGH, C. S. R., TORONTO, CANADA.

There are very many miserable miseries under the sun; but the stenographer deserveth the greatest commiseration.

For he riseth up early and sitteth up late; yet his work is never completely finished.

He longs to say to his weary brain: Sit down now and take thy rest; but he cannot do so, for he must grind away.

He struggles with pot-hooks through the live-long day; yet at its end he feels dissatisfied and tired.

He vows that he has taken down nothing worth remembering or repeating; yet he knows he will have to make a full transcript thereof.

Pettifogging lawyers have talked balderdash; yet the stenographer must treat them as gentlemen learned in the law.

An ignorant and voluble witness has led him a merry dance; yet he must pay the greatest deference to the garrulous fool.

Mayhap upon the most chance remark a motion in term may depend; therefore the scribe must conscientiously take it all.

He cannot leave his seat for a moment; for in so doing he might lose a precious sentence from the official records.

He must wait in court until tardy jurors return; for peradventure they will ask a question or make a remark.

The lawyers lie in wait for the latest word from the jurors; so the stenographer must strain his ear to catch the slightest sound.

The lawyers vie with the bench for the last word; yea, all three speak at once; yet the scribe must stenograph it all.

The young and untrained cross-examiner produceth a plan; and forthwith the miseries of the stenographer are greatly augmented.

The limb of the law saith, Lo here! and Lo there! and yet is the stenographer ignorant of the whereabouts.

The witness glibly calleth off the dimensions; but all is Greek to the miserable scribe.

Distances are noted in fractions, and altitudes represented by the waving of hands; yet is the stenographer not edified thereby. This is also misery.

The clerk snatcheth the plan; he fileth the same as an exhibit, and foldeth it up like a scroll.

The judge taketh the witness in hand; but there is no edification in his talk.

The speed of the speakers runneth in a ratio in exact disproportion to their importance; yet must the stenographer gulp down his indignation and take it all.

Some pettifogger demandeth the stenographer to read his notes; this is also misery and vexation of spirit.

The scribe attendeth the meeting of a learned body where the discussions are technical and rapid; yet he must produce a complete and intelligible transcript.

He is sent to report speeches in the open air with no facilities but notebook and pencil; this is one of the greatest miseries which I have known under a hot sun.

He useth a tree for a back rest, and the shoulder of an unwashed denizen for a table; yet are his miseries only partly mollified.

For the crowd jostle and jolt him unmercifully; and his notes are like unto the tracks of ten thousand spiders.

He attendeth the church services and sitteth near the sweet singers of Israel; and Lo! the eyes of the whole congregation are riveted upon him, and he feeleth abashed.

He has been placed on a pedestal for advertising purposes; and forthwith he groweth nervous and hot with indignation.

The preacher poureth forth a flood of prophetic denunciations; with hard names the stenographer wrestleth in vain.

The poor scribe must know it all, else he cannot read the prophecies; this is also misery.

For he sitteth up late and riseth at the song of the bird; yet life is too short to learn a tithe of what he must needs know.

Much study is a weariness of the flesh; yet to the making of books there is no end.

Misery of miseries, saith the stenographer; all is misery.

This scribe hath known every misery under the sun; yet he can find no misery like unto that of the ready writer.

Yet young men are striving to master the stenographic art; this is also vanity, and vexation of spirit.

Misery of miseries, saith the old stenographer; all is misery.

THE PRESIDENT: For a collation of the miseries of a stenographer's existence, the paper just read could not be excelled. Canadian lawyers must be exceptionally honest, as Mr. Bengough makes no reference to the unpaid bill, which is, after all, the greatest misery. We can with the utmost complacency take down the utter rubbish of both counsel and witness when we are doing it at so much a folio, and are certain that the bill will

be paid. Then there is the misery of the untrained amanuensis, who, after we have spent hours in carefully dictating, mixes up things so as to make our original notes cry out in amazement when compared with the transcript furnished by the three-months' graduate. Another misery of which something might be said is the misery which the official experiences when some confiding juror informs him that "my twelve-year-old son is a stenographer just like you." I might continue the list, for it is well-nigh inexhaustible; but I will leave the matter for your further discussion.

MR. ROSE: No one who knows our genial friend who has favored us with this paper would for a moment suspect that he had ever experienced any of the miseries which he relates. On this side of the line, of course, such things are the common lot of us all. But in Canada I had supposed that all was peace and plenty, and that the life of the court stenographer was one long day of joy and happiness, and that he just simply floated peacefully down the stream of time. Whenever I have met our friends from there I have noted their sleek and polished appearance, their even and unruffled "front," and I have almost been in favor of annexing the United States, or the Empire State, to that happy, blissful country, so that I, too, might find a place where these miseries never come. But it seems that it was all a fancy on my part, and that the happy stenographic haven is not there, and that we must seek still further for it. However, brother Bengough should remember, for his consolation, that it has been said: "Annoyance is man's leaven, the element of movement without which he would grow mouldy."

COL. DEMMING: It is a pleasure to hear discussions on various papers; and sometimes the remarks are more valuable than the papers themselves.

I think there is no stenographer present of long practical experience who has not had more or less misery connected with the practice of his profession — this including my friend on the right, from Rochester (Mr. Osgoodby,) and the bright looking gentleman in the corner (Mr. Little.)

Some time ago there was a divorce case in a court where I was the official stenographer. The plaintiff was well known in the town, and had the reputation of being the common scold of her ward. She could talk as glibly, I suppose, as any woman in the United States. When she was called to the witness-stand her lawyer told her, after she had been sworn, to please tell her story in her own words, without being questioned further. She arose to her feet and began. When a boy I learned how to use a flail; one of the first experiences of the farm was stumbling over a wheelbarrow at night; some time ago I fell over the

handles of a baggage truck at a railroad station during a rain storm near the midnight hour; a few nights ago, while rushing through the dining-room, I happened to fall over three bicycles; I have been in several railroad wrecks; I was going down a mountain some time ago at night, when the span of horses ran away, and I was pitched head foremost eleven feet, striking on my head and hands; I was in a railroad disaster where nearly one-half the passengers were killed, and everybody more or less injured. I have had other very interesting experiences; but I do not believe I had quite the feeling that took possession of me while endeavoring to report that lone woman in the act of telling her story in her own words. And then, to cap the climax, at the end she tragically threw up her arms, fell over in a semi-faint, and dropped over the stenographer's head and shoulders. Fortunately, there was no dispute about her testimony by the lawyers, and the stenographer was not called upon to read the notes in open court.

Mr. Bishop, in rising to read Mr. Gardiner's paper, said: Mr. Gardiner, as you know, is president of the New England Shorthand Reporters' Association. He lives at Providence, and is a graduate of Brown University. A man of independent fortune, it is not necessary that he should practice his profession at all; but from pure love of it he continues in it.

ENTHUSIASM IN WORK.

BY EDWIN R. GARDINER,

OFFICIAL STENOGRAPHER OF THE SUPREME COURT, PROVIDENCE,
R. I.

No feature of our daily life is more prominent than intense absorption in work. Our labors are continuous and protracted beyond those of ordinary workers. We are called upon to "endure hardness." Our life is one of severe application and rigorous self-denial. "Eight-hour men," in practice at least, are not known among us. The court stenographer is one entirely taken possession of by his task. For its successful accomplishment he must renounce every conflicting care and apply all his strength. Its material is ever dealt with in discouraging masses. He soon becomes, per force, a devotee. He finds himself a part of an unresting machine, and must forever accompany its activities. No man works longer, or later, or with fewer respites. His art is a jealous mistress. She allows no partial or divided service. Everything within him and about him must be yielded to her claims. "Give thyself wholly to this thing," is her inexorable mandate. "Come and be very busy with me," is her summons to every loyal disciple. Time and effort she continually monopolizes. To prepare

a thousand-page record, in an important case, and do it with literal accuracy, is no bagatelle. To report a five weeks' trial and write out copiously as you go along is no holiday pastime. Often through sickness and exhaustion we must pursue our inevitable tasks.

An exceptional enthusiasm, provoking to an exceptional industry, is a boon to any mortal. It fills the capacity of the mind and leaves little room for temptations, annoyances and distractions. Difficulties fade away before it. It brings independence, content and self-respect. One who has a meritorious object to work for develops enthusiasm and enjoys his life — which the victim of listlessness and *ennui* does not. "Enthusiasm," says one, "is the genius of sincerity." "An enthusiast is one who has faith in his work." Every man needs a work in which he thus thoroughly believes. He desires thereby to partake in the general scheme of usefulness. The mind would give itself to some real and worthy thing. Phonography has afforded to thousands the means of gratifying that aspiration. Life is not only enlivened, but prolonged, by devotion to a loved employment. Zeal and zest are sustainers of the natural powers. Said Moody, when admonished that too much ardor in his work might shorten his career: "People seldom die that way." It is by keeping the powers of the mind aroused that vigor and vitality are retained. Amid trials and deprivations one finds relief in absorbing occupation. Earnestness in the pursuit of a coveted object gives lasting solace and satisfaction.

Phonography has a strong and attractive hold upon earnest minds. Of this its founder and father left us a revered example. A more striking illustration of constancy and fixedness of purpose has seldom been furnished in modern times. He sought to help mankind where he conceived that help was greatly needed. To this his care and thought were incessantly given. No more persistent toiler has been known to the century. He struggled earnestly and unrestingly, and never abandoned his purpose but with his life. By this devotedness he became one of the world's benefactors and improvers. He built a splendid structure for the convenience of his fellow-men, and built for himself a name which will be remembered through many coming generations. The sequence of supreme effort and supreme achievement have seldom been better illustrated. How applicable to him, as he perfected his invention and became strong in the confidence of its success, are the words of a familiar writer regarding another celebrated inventor: "Inspired by a splendid hope, already clutching the prize, he wist not of hindrances or of sneers. He regarded not weakness or pain or physical decay. Helping humanity, assured of lasting fame, absorbed in the object of his quest, rare emotions of happiness

must have visited his breast, and the wealthy and titled might well have envied him." His ultimate possession of wealth and a title mattered little to him in comparison with the prosecution of his mission. Even in his final sickness we find his thoughts still busy with his cherished creation. "I get weaker continually," he says. "Without shorthand I could not have carried on my business during the past seven weeks. Phonographers must remember that I have only strength enough to write two or three lines. I must expect a continual decrease of strength, until the heart gives its last pulsation. But I shall again have a sound heart and *get to work* in a new sphere of life." Here was indeed the manifestation of a noble character. Conjoined with his services to the world, it excites my admiration and reverence. I love to read the story of his career. It is the story of a life consecrated to a grand ideal. I find in him elements of courage, patience, undaunted hope and unflagging zeal, which long years of the constant use of his production have taught me to appreciate. He was heroic above many of the world's reputed heroes. He was fitted to rank with its great discoverers and achievers.

And we who have entered into the fruits of his labors cannot but, in some measure, partake of his inspiration. We have received from him the heritage of a great thought and a great possibility. It has proved to us an unceasing animator to work. In how many loved companions have we observed the same spirit and ardor always present! How many an enthusiastic brother have we known who pursued his phonographic mission with similar intentness, of whom we can feelingly say:

"The soul of man, serene and strong,
Worked on in joy his whole life long;
Ever loved his work as a strong man should;
Ever looked on his work and called it 'good.'"

That these professional brothers found solace and content in their congenial toil was abundantly apparent. There are the ideal lives of pleasure and of culture; and there is also the ideal life of labor and of duty. The latter, it seems to me, such comrades have often come the nearest of all men to realizing. With them, literally, "to labor was to worship." They may have even made it a seven-days-in-the-week religion. They begrudged no sacrifice in order that every responsibility might be discharged. However incredible the task, they sprang to it with alacrity. All things were subordinated to its precise accomplishment. Each day a host of difficulties were invited, grappled with and overcome. They were found faithful in every trying exigency. And they have not failed of their just meed of approbation. Their careers are marked, their memories honored, and the plaudit of "Well done" repays the devotion of

their lives. The martyrology of our calling (and its martyrs have been many) is filled with the records of those who have accomplished worthy ends by the most self-sacrificing efforts.

Everybody in this age has his pet enthusiasm, and we have ours as truly as any class. True it is that the life which phonography entails is prolific in enthusiasm. In claiming this I shall not seek to unduly exalt it or place it in higher company than it deserves. I have sometimes been pained at the disparaging remarks of otherwise intelligent men, who could not be made to understand its attractive points. "How is it possible," they say, "to get enthusiasm from dots and dashes—to find enjoyment in the mere act of taking notes?" Yet we are all witnesses to the fact that it is possible. We say to such shortsighted cavers that we have satisfactions which they know not of. The reporter's life, arduous though it be, has many pleasures. It is neither as monotonous nor as mechanical as some suppose. The sphere of none is so exalted that they can afford to treat it with disdain. To seek superior attainments in it is, every way, a worthy, an elevating and a healthful ambition. It is a pleasure to do by the slightest of pencil-touches what other men accomplish by irksome toil. It is a delight to handle, for useful purposes, an instrument so facile and ingenious. Verbatim reporting is a profession, and it is a profession that is full of interest. The foundation of it is exceptional skill in a very splendid art. It is a science intricate and subtle. It is a business honorable, necessary and important. It familiarizes one with great men, weighty subjects, piquant experiences. It confers invaluable discipline. It develops energy of character and resourcefulness of mind. Begun for economic reasons, it is pursued for æsthetic reasons. It becomes a culture and an education. Taken up as a "hobby," it may attain the dignity of a passion. Every one who thoroughly masters it adds greatly to the facility and convenience with which he performs his work in life. Its manifest utility the world is ever becoming more and more ready to recognize.

Prominent among the elements of this interest, I would mention the spirit of personal pride which it develops in the accuracy of one's production, the keen watchfulness which he learns to exercise against all possible sources of error. It is a work of great difficulty. The difficulty incites. Supreme effort is demanded and is given. It is not approached by any royal road. The element of dauntless purpose, the power of invincible determination must enter into it. For years the pursuit is baffling. The prize eludes the ardent seeker. It seems an *ignis fatuus*—a phantom vainly followed. But it is overtaken and possessed at last. It is won by enthusiastic quest. And the first enthusiasm of the student need never be outgrown. The

love of nicety and completeness may follow immediately upon the passion for expertness. Faithfulness and literalness become vital instincts. To do a thing faultlessly which it is immensely difficult to do at all, is a double pleasure. "How best to do it" is the professional worker's perpetual problem. Special accuracy is his aim, exact accomplishment his ambition. To this end he adds to careful note-taking a thorough analysis of the matter taken, a severe revision of his product. No distinction is too minute and subtle to receive attention. Every point is sifted, every perplexity cleared up. With the certain knowledge that his notes comprise the best existing account of the matter in hand, he gives to every department incessant study. It is wrought with the care that Horace counseled giving to poems. The very minutiae are

"Touched and retouched, refined and re-refined,
Till not one flaw or fault remains behind."

Again, there is enthusiasm in the consciousness of power. What the world does painfully and clumsily, the phonographer does as easily as he draws his breath. The flight of a bird is not freer. The coursing of the blood is not more involuntary. It is a power which no one can take away; of which nothing can prevent the exercise; the reality of which may be always demonstrated to every gainsayer. And it is a power which one never grows tired of exercising. If he ceased using it from necessity he would at once commence using it from choice. There is a fascination about writing a sentence completely and yet doing it with less effort than that of uttering it. Dispute and disparage as you may, it is better to write a thing in one minute than in seven. Writing becomes one of the great pleasures of living when you have learned to do it rationally. It has the joyousness of an untrammelled freedom. There is an inspiration in breaking away from the shackles that impede so large a portion of mankind. When we see them toiling through polysyllabic sentences, every word of which could be represented with one stroke as easily as with twenty, we come to understand why phonography has won its way in the world. Could the ease and pleasure of composing in it be more generally known, we should see it exalted to the front rank of studies. What an impetus would then be given to literary production! How many rugged paths would be smoothed and how many toiling slaves emancipated! The period when it could be successfully jested about has long since departed. Derisive speeches concerning a thing so beneficent were soon found unfitting. The laugh was quickly turned against the laughers. The most aggravating of all the fossil humbugs which I have been called upon to encounter in this life was the man who said

it couldn't be done and was not worth the doing. As a conceited ignoramus, that man, at least, was unique and phenomenal. And equally at fault was the disdainful pessimist who called it "the insane ambition of an ingenuous mind." It is nothing of the sort. It is a dead-in-earnest, all-around success.

Again, an element of interest is afforded in the study of brief forms and helpful expedients. Even in the hands of the most experienced writers improvements of method may constantly be essayed. No man who takes phonographic notes seven or eight hours out of every twenty-four, with the end constantly in view of reducing and abbreviating, will fail to make steady gains of facility. New ways of economizing and overcoming will ever suggest themselves. Here is perpetual training going on side by side with perpetual work—an education in which the reporter may constantly gain as his toil proceeds. The courtroom is his school-room as well as his work-shop. It is the patient investigator there who makes the surest gains. This, of all others, is an art which yields its secrets only to persistent study. There is always scope for the exercise of thought and invention in the amendment of forms as we write them. Actual English words do not monopolize all the permutations possible with the original phonographic elements. A large portion of the rest can surely be used for phrases and contracted expressions. The unused stroke may be married to the unexpressed phrase. The systematic study of this field of unexplored phraseography will yield rich results. It can be prosecuted while accomplishing our daily tasks. Of course, the novel outlines must be thoroughly incorporated in the mind. But this the endless iteration which our work entails gives us abundant opportunity for doing.

Where, as in the case of legal testimony, the phraseology is simple and colloquial, chances for such "phrasing" are, of course, vastly more abundant than they are with more discursive matter. It will be rare to find a conversational sentence in which a number of such chances do not present themselves. Study and experience will develop them even where the mode of expression is more complex and elaborate. No one will wisely neglect any that are legitimate. Everything depends upon the mass of writing we are doing, the thoroughness of our search and the maxims that guide it.

Great advantages might be gained by a thorough cataloguing of novel abbreviating devices. Some sort of a thesaurus which should set them forth clearly and methodically would be a boon to all practitioners. Perhaps in the not distant future, when colleges shall endow professorships in our science, we shall have fuller compilations of available shortenings. Difficult expressions are best managed by force, not of muscle, but of

contrivance. Great multitudes of perpetually recurring phrases may be reduced to a single character by so simple an omission as that of the copula. The tongue uses them as inseparably joined, and why should not the pen practise a similar economy? Legibility is thereby enhanced rather than diminished, because of the unmistakable physiognomy given to the character adopted. A systematic study of our language will show us that its phrase-element is enormous. It permeates it through and through. It is an element which may be indefinitely utilized. Each regularly constructed phrase capable of elliptical representation is a friend to be "grappled with hooks of steel" — to say nothing of those of Pitmanic devising. It will prove your ever-faithful servitor. It will stand you in stead at many a critical juncture. Every day's practice will bring you new helpers of this class. Search and study constantly reveal new possibilities of elision. And there is a field here for the making of very nice discriminations. In the reporter's daily work there is endless opportunity for comparing the relative conciseness of "forms" and for the excision of all but the absolutely perfect. The scope for analysis and classification is immense. The systematic, as compared with the desultory, is as immeasurably superior here as it is in any other study or pursuit. In so sharp a contest as that in which we engage one must needs equip himself with the choicest weapons. The language-habits of every new speaker will disclose new "phrasing" possibilities. By incessant rewritings also of any and every sentence that has found lodgment in the memory we shall make progress in this study of condensation.

Again, there is enthusiasm to be enjoyed in the attempted improvement of our art itself. It is an art which is valuable not only for what it is, but for what it may become. There is much still to be discovered about the science of rapid writing. The diligent student will evolve it. That work or institution which is inelastic and unprogressive is destined to fall away from human regard. Such, we trust, is far from being the nature of ours. The study of plans to enhance its power is an open and an inviting one.

Enthusiasm in our work is largely ministered to by the many cultivated companionships which it constantly brings us. The warm friendships it tends to establish often constitute the brightest episodes of our lives. Phonographic souvenirs of them, which we so instinctively acquire, will be found to possess increasing interest as years go by. No hour is lost which is spent in obtaining them.

The phonographer's work is also interesting to himself in that it is so often found a necessary instrumentality for the preservation of matters of great consequence to the world. Speeches

and addresses delivered at momentous crises (like some in our civil war) have become parts of history only through such agency. To save what is worth saving in the best efforts of learned and eloquent lecturers and divines is also a pleasant and a useful office. The need of it is constant and imperative. In the great centres of civilization the services of this gatherer and preserver of the impromptu utterances of the time will always be required. Society is here ever exhaling, in some form of address or oratorical effusion, the thought-life with which it is charged. A thousand voices are continually clamoring for the public ear. The promulgators of new systems and creeds are forever claiming recognition. But when the coveted hearing is secured, how faint and fugitive is often the impression made! The mind puts forth its best creations and sees them perish with the uttering breath. They need the assistance of the stenographer to give them enduring life. A great preacher for years regales the public ear with brilliant extemporaneous effusions. Too often the impression upon his auditors lasts scarcely longer than his words are sounding in their ears. Too many of his best deliverances seem almost "like water spilled upon the ground." A surfeited public much too readily forgets them. What had been designed for a useful and continuing force is evaporated and wasted. But if the agency of the phonographer is called in, these instructions may reach a wider and a more retentive audience. The good that was in them is manifolded and perpetuated. *Something* tangible, at least, is saved from every worthy utterance.

In addition to the matters heretofore considered, shorthand is especially prized by its votary as the stepping-stone to higher acquirements. Rightly used and thoroughly understood, it becomes a constant servant to the general student. It is ever at hand as a coadjutor and stimulator. It furnishes aid in almost every branch of academic training. It is a discipliner of the memory. It interests and assists in the study of language. It makes one an observer of practical professional work and often impels to the attempting of similar occupation. But beyond anything else which makes the stenographer's art dear to him, I think he will place its helpfulness in literary work and study. In many ways it enhances both his progress and his enjoyment in them. It opens a semi-literary career, as distinguished from one filled with the dry details of routine business. It has always a literary side and a literary element, and these are of great scope. The enthusiasm it evokes is largely akin to a literary enthusiasm. It allies itself with the processes of the mind and enables one to simultaneously record them. "First thoughts in first words and then elaborate," was the aphorism of a great English poet. In every self-educative

scheme phonography is a friend and a helpmate. It furnishes marvelous facilities for the thorough utilization of special materials for self-improvement. It helps one to collate, to commit, to revise, to analyze, to reconstruct, to annotate. It enables him to transfix and retain the fugitive thought as it arises, and to compose under nearly every conceivable situation. It is a purveyor of literary viands procurable in no other way. It becomes "an accession to our most refined mental pleasures and a means of multiplying and prolonging them." Does any one doubt its utility in assimilating lessons of science and philosophy publicly imparted? What treasures of fine orations and discourses does it not afford one the means to study? Is it considered no privilege to be able to possess one's self of the fresh and glowing sentences of the famous orator who stands but once in your presence? Is there no inspiration in appropriating the poet's melodious verses when first recited from the rostrum? Is it not a natural impulse, when listening to some great popular instructor, to seek to preserve the striking sentences which arrest your attention? I have listened to passages from the orations of men like Meagher and Phillips, which were so majestic, so thoughtful, so thrilling, that it was a delight to phonographically capture them. Days might be filled with the inspiration gained from their repeated recitation. In reporting a noble utterance appreciatingly one cannot but partake somewhat of the noble feeling which inspires it. The contemplation of such elevated themes exalts and dignifies existence. It has sometimes seemed to me that the public and business uses of phonography were but secondary to its uses in one's private culture. In vain do educational fossils seek to belittle and disparage it. It may be made a useful factor in academic work. Pupils who phonograph their lecture courses will, of necessity, benefit more largely from them. Only those academies which ignore practical studies altogether will set themselves resolutely against such an one as this. It cannot but be destined to a sure and rapid growth in the schools of the English-speaking world.

Let us not forget, amid the pressing calls for our services in one direction, that shorthand is valuable for other things than the making of court records. We need at times to revive the fresh feelings attending our early acquisition of it. We need occasionally to forget its commercial uses and call back the pleasures it has afforded us in more flowery fields. The capacity for such pleasures still remains. We can still possess ourselves of the full text of the brilliant lecture for closet study. We can still gather from the rostrum the best thoughts of the orator and the sage. The power that we possess can always be made a feeder of the intellectual life. It can guide our feet into many pleasant paths. It is the key to many treasures of knowledge.

It can help to border with flowers the dusty ways of business. It can discover to us fresh fields of romance and sentiment, which, once entered, forever reclaim us from the dominion of apathy and routine. It can become an inspirer with the love of literary pastimes and pleasures. In giving ourselves to such enjoyments is contained the secret of a calm and contented experience of the world. The mind that is receptive of them fears not constraint or isolation or physical decay. A philosopher can exult in the gloom of a prison-house "if his thought be occupied with pleasing idealities." Our pleasures come not so much from our surroundings as from our mental states and occupations. Lawrence Sterne believed that he could have made life very tolerable in the Bastille if pen, ink and paper were not denied him. Many great literary works have been written to solace the hours of prison captivity. They would have been much more numerous had shorthand been the possession of the captives. Thoreau could have been content in a garret's corner all his days could he have retained the power of expressing his thoughts in writing. Thank heaven, the phonographer can enjoy that pleasure under all circumstances. To improve the freedom and facility with which men may write is to give greater elasticity and freedom to their thoughts. Authors, divines and journalists will certainly confirm that statement. The power to write quickly and unobstructedly when one is in the mood and in the vein is certainly a desideratum to every votary of the pen. Says a great metaphysician: "No one can hope to thoroughly understand the principles of any science who does not *write* as well as read upon the subject." The phonographer, of all men, can most easily obey the spirit of that maxim. Without constraint or physical exertion he can write endlessly upon any favorite science. Here is something which can give to our lives an added interest and power, a helper and quickener of mental processes as well as a replenisher of mental stores. Let us congratulate one another that we have it. It ministers not only to practical requirements, but to the higher life of culture. Let us get the full benefit of its services to both.

It was moved that the meeting adjourn until to-morrow morning.

MR. BISHOP: I hope the motion to adjourn for the evening will not be insisted on just yet, because I have a resolution to offer.

The motion to adjourn was withdrawn.

MR. BISHOP: We are met at this pleasant lakeside retreat in this agreeable August weather — that retreat in an attractive spot, near a flourishing city that numbers among its inhabitants many most estimable and highly-accomplished men and women,

among whom our own fraternity is not without its representatives. Indeed, my own estimate of them is so high that I deem it fitting, now that we are meeting in a suburb of that city, to offer this for your consideration and approval:

WHEREAS, We have had occasion before, and have had renewed occasion on this visit, to note and to share the hospitable and kind attentions of the members of our craft in Rochester; and we have also had occasion to observe, in our talks and conferences, the practical wisdom with which they have seemed to be "clothed as with a garment;"

Resolved, therefore, That we congratulate the city of Rochester on the efficiency and the varied accomplishments of its stenographic equipment, and wish the members and ex-members of the craft domiciled there, health, prosperity and happiness.

The resolution was duly seconded.

Mr. BISHOP: Whether this pleasant and picturesque land in which our friends pass their days, and this delicious summer air which they inhale, be in any way accountable for their practical wisdom, or other qualities to which I have referred, I conclude I hardly need support this motion with any formal remarks, because it will be assumed that much of these qualities that characterize our friends are inborn; and I appreciate your anxiety to pass it at once. I have, however, an observation or two to make, of a somewhat ethnological character. I have no intention of going into the pedigree of any Rochester stenographer or ex-stenographer; I shall merely indulge in a fancy or two. When we are favored with the companionship of men of genius — as we certainly are when in the presence of (to go no farther) our friends Osgoodby and Little — reflections and moralizations spontaneously arise, which the introspective philosopher would fain study somewhat closely. I have wondered how Osgoodby's name happened to take on its present form. I assume that the original name was *Goodb-o-y*; and that by that inevitable clipping of the vowels which occurs in colloquial language, at some earlier period — while the family were still in Ireland or elsewhere, possibly even somewhere in America — the name became shortened, and it was transformed to *Goodby*. You can readily imagine that a native of the Emerald Isle, and perhaps some Yankees, speaking the name, would pronounce it in this way. I further conclude that the *Os* is merely a Latin prefix, indicating *boniness*, *hardness*; in short, to show that all his good qualities have become so thoroughly *ossified* that they will remain with him so long as he breathes the breath of life. And that I fully believe. As to Mr. Little, the thought of him raises a variety of emotions; that of wonder especially predominates when he luminously discusses some of the questions

that come before us. From the walls of one of our large rooms in the Stock Exchange there looks down from a fine oil portrait the face of Jacob Little, one of the best known names that Wall street ever had; but Wall street never claimed that he was the "*Original Jacob*" — *that* worthy denizen was supposed to hail from Chatham street. But one thing I think we will all concede: that whether Wall street or any other part of New York possessed the "*Original Jacob*," Rochester now possesses, and for years has possessed, the *Original Little*; and I congratulate Rochester on its good fortune. Reflecting on the qualities of these distinguished Rochester citizens, one wonders whether in youth they were like other boys. Another distinguished Rochesterian, the late Charlie Backus, used to tell a story of a boy whose mother made all his clothes, and cut his small trousers with the same pattern for the front as for the back; so that the difficulty always was to tell whether the boy was going or coming! When our friends were boys there should have been some such distinguishing mark to, in some way, match and set off their noble and distinguishing characteristics, and to, in some way, prefigure and be a prophecy of their illustrious manhood. The hour is too late to admit of my indulging in similar conjectures concerning the early lives of other Rochester stenographers; and I refrain, for the further reason that I am apprehensive that something still more interesting might be suggested, the final hours of this session be lifted to an unseemly altitude of imaginative splendor, and every man and woman of these fortunately circumstanced friends become the center of a veritable halo. I shall do nothing, intentionally, to encourage the belief that they are "too good to live;" nothing to countenance a fear that for that reason they are in danger of sudden translation. But, pleasantries aside, we do find them noble friends, inhabiting a beautiful city, that city set in the midst of a fruitful land, its whole situation ennobled and beautified by the fair river that, dashing down yonder precipices, at last finds its way, in tranquil mood, to this lowest in the chain of our great inland seas. I have seen the river "lapsing along" in its most quiet moods; I have also seen it when the floods had swollen it until it dashed madly on, turbid and fierce — cruel, like the Rhone "beneath the promontories of Sierre." I have seen how fair it is where smaller but pellucid it flashes through the gorge and over the falls at Portage, and hurries on to the peaceful meadows which it traverses on its course hither. It lends enchantment to many and many a mile, and my memory of glimpses of it, caught long ago, is very pleasant. A day or two since it came to my mind that its name was almost as

enphonious as the stream itself was beautiful; in fact, that that name, Genesee, was poetic, and would work well into rhyme. I am of all things most assuredly *not* a poet; but occasionally a rhyme starts in my mind, and I find it pleasant to work out a slight theme, in measured lines. That is what I have done in this case, in lines which I will be presumptuous enough to read to you. They are these:

THE GENESEE.

O Genesee! fair Genesee!
In the far hills thy fountains be.
The tribute streams that downward wind
Thy less sequestered course to find, —
As down their slopes their waters flee
Thou claimest them, O Genesee!

Thy banks are bright, O Genesee!
Thy white foam flasheth radiantly;
Sometimes 'midst crags thy tumult swells;
Sometimes thy voice, as sweet toned bells,
Dost soothe the ear that heareth thee,
Lulling to peace, O Genesee!

When first I saw thy waters' gleam,
Just pausing for their leap supreme,
Thy tide seemed full, thy current strong;
Swiftly thy waters swept along, —
With hurrying sweep, untrammelled, free —
A river of might, O Genesee!

Now, oft thou seemest a dwindled thread,
Thy old time fullness vanished;
Yet still, where down yon final steep
Thy angry waters fiercely leap,
Thou seemest once again to be
Thine ancient self, O Genesee!

I know, since first, in days of yore,
I saw thy gleam and heard thy roar,
Some friends we knew have left our side,
Borne out by the relentless tide.
For them thy tenderest song should be
One of farewell, O Genesee!

Move, then, still on, green banks between!
Flash down dark crags, — through meadows green!
Thy current, 'twixt thy gentlest shores,
Feel touch of keels and dip of oars,
And seeking still this inland sea
Where thou art lost, O Genesee!

Yet, not *quite* lost, for, flashing down
Past thousand isles and castled town.
Thy scattered waters yet shall be
Commingled with the Atlantic sea,

Whence drifting clouds shall bear some back,
To thread again their earlier track!

Then flash along, fair Genesee!
Plash thine old songs, old Genesee!
We who have known thy wand'ring stream,
Thy darker depths, thy brighter gleam, —
Our pulses thrill at thought of thee;
We sing thy praise, O Genesee!

Mr. GRIFFITH: I would like to say a word or two in regard to Rochester. We have here, as Mr. Bishop suggests, some very good stenographers, but we have a great many other good things. It is called the "Flower city." We have everything that is good and the people are appreciative, and, as a gentleman said to-night, there is no doubt about the good habits of the people of Rochester. He says they bathe occasionally, and if you want any further evidence of it, the government dredge is in the river now.

After a very modest disclaimer, by Mr. Little, of any superiority on the part of the Rochester stenographers, the resolution was adopted unanimously, — representatives from Rochester not voting.

At 10:45 the convention adjourned until 10 o'clock Friday morning.

SECOND DAY.

The convention was called to order at 10:30 o'clock A. M. by President McLoughlin.

The following communication from James E. Munson, of New York, was read:

I wish to call the attention of the members of our association to an opinion of the appellate division of the second department of the supreme court of this state, printed in the "Combined Official Series of New York State Reports and Session Laws," No. 212, dated May 29, 1897, in which a criticism is made, Mr. Justice Hatch writing the opinion, upon stenographers and their fees, which criticism, I think, would not have been made, at least in this case, had the learned justice given fuller and more careful consideration to all the facts and circumstances that appear by the opinion itself. The full title of the case is "George Halbert, plaintiff, v. Albert B. Gibbs, appellant; Augustus B. Prentice, respondent." Prentice was the attorney of the defendant, Gibbs, and, in February, 1897, finding that in nearly fifteen months he had only received \$300 from his client, he wrote him that he must decline to go further with the case until he had received a check for \$500. Defendant thereupon asked the respondent, Prentice, to sign an order for the substi-

tution of one Archibald C. Shenstone as defendant's attorney, which he declined to do until he had been paid his fees. Defendant then moved the court for such substitution, with the result that an order was made denying defendant's motion to substitute the said Shenstone as his attorney, and directing the hearing before the referee to proceed. This order of denial was appealed from, and the opinion of Mr. Justice Hatch was given in deciding that appeal.

Directly under the title of the case, at page 126, conspicuously printed in italics, is the following heading:

"Attorney's Lien — Lost by a Refusal to Proceed Unless Paid — Excessive Stenographer's Fees."

Then, at the end of the syllabus, is this line: "The excessive fees now made possible to stenographers disapproved."

In order that we may have material upon which to base an intelligent conclusion in this matter, I extract the following statements from the body of the opinion of the justice:

"HATCH, J.:

"The action out of which the present controversy arose was brought to recover a balance of \$6,014, claimed to be due to the plaintiff from the defendant for material furnished, and labor and services performed, upon private residence premises in the city of New York. * * * The cause being at issue, the same was, upon December 28, 1893, referred to Levi A. Fuller, as referee; to hear, try and determine. The hearing before the referee began on the 23d day of February, 1893, [sic,] and has continued down to the 8th day of February, 1897. There have been 144 hearings before the referee, the longest hearing being four hours, and the shortest one hour, the average being a fraction less than two and one-half hours for each hearing. From time to time the defendant has paid to his attorney the sum of \$1,500; to the referee from time to time, \$900; to stenographers and witnesses, \$1,526.53. The referee has been paid in all about \$1,700, and the stenographer about \$1,900; 4,970 pages of testimony have been taken, and 53 witnesses examined.

"In the present case we think that nothing appears which justified the attorney in the abandonment of his client in the midst of the trial. We have rehearsed the facts for the purpose of showing what we regard as the unjustifiable delay in the prosecution of this action and the enormous expense, comparatively, which has attended it. This class of actions, while complicated as to items, as a house is of parts, is not, beyond that fact, difficult or extraordinary. Such actions engage the attention of the courts at each term, and are disposed of with but little delay when proper effort is made to that end. This suit has now been before the referee for over four years. The fees already paid amount to \$6,600 more than plaintiff's original claim. The item now demanded by the defendant's attorney is \$3,410, making the claims paid and those demanded, of which we now know, the sum of \$10,010, and the end is not yet. For

a long time the fees of referees led the procession of fees, and frequently amounted to more than the sums paid to counsel. But established order cannot always maintain itself. Stenographers looked with jealous eye upon this fatness of fees. Modestly, but with determination, pertinacity and legislation to aid, they crept up, desire ever keeping pace with opportunity, until it has brought them at the top, with appetites whetted and keen scent for more. It is the usual thing now that stenographers' fees are greater than referees' fees. We read in the present record: 'The referee has been paid about seventeen hundred dollars. The stenographer has received about nineteen hundred dollars.' And more is to come. The defendant surely can testify that the sentimental age, when honor and renown was the motive which brought men to devotion in the law, has passed away. He seems to have met only the hardest kind of hard, practical facts, and is at present being ground between the upper millstone of the plaintiff's active efforts and the lower millstone of his attorney's refusal to act, or to permit any one else to do so. It is these things which bring the administration of justice into disrepute. This practice courts should lay hold of with an iron hand, setting their stern disapproval upon such methods. The system impoverishes litigants, amounts to a denial of justice, and is the cause of just complaint by the people.

"The order appealed from should be reversed, with ten dollars costs and disbursements, and the motion to substitute should be granted, with ten dollars costs.

"All concurred."

I am not acquainted with any of the parties to this litigation, and do not even know the name of the stenographer who did the work, the charges for which are here made the subject of disapproval on the part of the appellate court. But whoever the stenographer may be, believing that an injustice has been done him — unwittingly, of course — in regard to the matter of his fees in this particular case, I think it but right that he should be exonerated. As is well known to us all, in the reporting of references, stenographers are not working under a salary, neither are they employed by the day or the hour, but they are paid for the amount of work actually done, so much a folio of one hundred words. In the case under consideration it is not stated what the number of folios charged for was, but the number of pages is given as 4,970; and if the transcript was type-written in the usual way, the answers being "run in," it would probably average two and a half folios to the page, which would make the entire number of folios 12,425. Now, outside of official court reporting, which is a creature of the legislature, and is altogether under statutory regulation, the fees of stenographers are not now and never have been fixed by legislation, as is intimated in the opinion, but have always been determined by custom; and for time out of the memory of any living stenographer, in the absence of a special agreement for a different rate, certainly in the city of New York, the established charge

for stenographic reporting has been twenty-five cents a folio. Now, 12,425 folios at twenty-five cents a folio would be \$3,106.25, instead of \$1,900. At fifteen cents a folio, which is a very moderate charge for reference work, the same number of folios would amount to \$1,863.75, which is not far below the sum of "about \$1,900," mentioned in the opinion. Then again, even if we allow only two folios to the page, we would have 9,940 folios, which at twenty cents a folio, five cents less than the customary rate, would be \$1,988. So that, in any event, the stenographer cannot be charged with extortion.

But if we look at the trial of this case from the standpoint of the time consumed, the facts are still more favorable to the stenographer. There were 144 hearings, averaging "a fraction less than two and one-half hours" each. The regular court day in the city of New York is from 10:30 A. M. to 4 P. M., with a recess of an hour, or four and one-half hours of working time. Therefore it is safe to say that if this case had been tried before one of our judges, in exactly the same way that it was tried before the referee, it would have taken seventy-two days, or two days over fourteen weeks of five days each! That is to say, if the trial had commenced on the first Monday in last January, it would have gone on continuously, without a break and with never an adjournment on any day before several minutes after four o'clock, through the entire months of January, February and March, and would have lasted until the end of Tuesday, the 13th of April! Three months and nearly a half of solid, hard work! Now, when it is remembered that the stenographer, in order to furnish all this transcript, was obliged to pay out in disbursements for typewriting, stationery, etc., at least one-third of the \$1,900, who will say that he was overpaid?

Furthermore, I will add, when we consider that the stenographer has nothing to say or do as to extending or curtailing the length of a reference trial, or in regard to the amount of testimony that shall be taken before resting, and that the attorneys and the referee have entire control of everything that goes to determine the size of the stenographer's bill, as well as their own, it seems hardly fair that the stenographer should be singled out and made to bear on his shoulders the bulk of the load of blame for the great cost of trials by referees. There is, no doubt, just ground for complaint that the current of justice, as it is administered in trials by referees, is quite muddy with the great expense to which litigants are subjected, being oftentimes much out of proportion to the amount involved, as it no doubt was in the case we are considering, but I do not think the roiling of the waters should be laid to the stenographic lamb that stands down the stream.

MR. BISHOP: This paper of Mr. Munson's which has just been read has the qualities that might be expected in one from the pen of a veteran stenographer who has for thirty years or longer been also a member of the bar; that is, he presents to us, for our consideration, the passage from a judicial opinion that reflects on our craft as being relatively "too expensive," and figures out, from the data given, a conclusion different from that to which Mr. Justice Hatch and his concurring brethren arrive. The matter seems, however, not to have been presented in all its aspects, even by so sound a thinker as our friend Munson is; and I invite your attention, offhand, to one or two additional ones, merely prefacing what I say with the statement that until the paper was read I did not know its contents or the nature of them, and was not aware, till a few moments since, that a paper had been received from him; indeed, I think it has just come, by the last mail. I think, further, that I may bespeak your attention as one not likely to be prejudiced, as I am now substantially retired from the legal department of stenographic practice, as my official duties in other lines occupy all my time. You are aware, however, that years ago my practice in the field in which the services described by the justice as having been exorbitantly expensive were rendered—that is, the referred case field—was large and varied; I think it was as varied as that of any one in the profession. There was one class of referred cases—and I conclude the one in which the charges criticised by the court were made was one of that class—on which I always disliked to enter, for the reason that the fees always seemed out of proportion to the amount involved; I mean cases in which builders and those for whom they erected buildings disagreed. Those were always filled with a multitude of details. I have called the attention of lawyers to the fact that on a difference of fifty cents the examination and cross-examination would often be so lengthy that the stenographer's fees would amount to fully as much as the amount in dispute. I would, of course, explain that this fact was beyond our control, and that two folios of work on such an item involved just as much note-taking, and just as much time and energy in the transcription, as would have been involved had the item amounted to five thousand dollars; and those lawyers to whom I thus explained invariably appreciated the point, and, so far as I was concerned, paid without grumbling. They also appreciated my suggestion that for such cases or controversies expert builders, with other expert business men, joined in a sort of commission, would constitute the most satisfactory tribunal, unless grave questions of law were involved, and on such questions the conditions might be met by their taking the

advice of some eminent lawyer and, on such points, followed his advice.

But there is another aspect of the question to which I desire to call your attention. It is true that by an expenditure of money — and you all know that in a large business the item of amanuensis fees is large — we are able to lessen the labor of making transcripts of our notes, and to greatly accelerate that work, so that records, however voluminous, may be furnished with great promptitude. But in making a comparison of our own charges, say in a reference, are we not entitled to compare as if we did not make this outlay, but went on, with our own head and hands only, and got out our transcripts, giving our own personal attention and labor to the matter as exclusively as the referee himself does? If we were to do that, what would be our position? Suppose we sat down and, with our own hands, made our transcriptions, where would we be in the way of comparison? When a reference is adjourned the labor of the referee in the case is ended till the next meeting takes place, unless he has some legal question to look up, to decide a point reserved; and if he has that, he charges for his time, of course — as one of our very popular referees in New York city, the late Judge Bosworth, used to do in making up his report — charging so much an hour, \$5.00 in an ordinary case, whether the time were spent in hearing evidence or in looking it over after the submission to him of the case in order to make his decision. But when the adjournment takes place, the labor of the stenographer is just beginning. If he makes his own transcription, he has five-sixths of his work still before him; for it will take at least five times as long to make the transcript as it took to take the notes. His bill, however, will represent both note-taking and transcribing; the likelihood is that if he does his work in this way he will spend five times as many hours on the case as the referee will, and that if his bill is the same it will mean not more than one-fifth as much compensation per hour as the referee gets. And yet the experienced, expert stenographer is a skilled workman, whose training has involved much study and practice of his art, and sometimes as much scholastic training as the lawyer has. We have, as you all know, in this association gentlemen who have graduated at well-known colleges — Dartmouth, the Rochester University, and so on — and who are at the same time members of the bar — very many of our New York city stenographers of prominence are members of the bar of this state, and some of them have themselves acted as referees, and one of our former members was placed on the bench in my city, taken right from his official court steno-

graphic position for a six years' term on the bench of what is now the city court. I myself have acted in the capacity of referee, as well as that of "special examiner," a familiar name in patent causes. Having formerly been engaged in reporting many equity causes, in which reports of the arguments and discussions were required, I long ago studied, in addition to the legal works that students generally peruse, special works on equity. I own, and have read, from cover to cover, the two stout volumes of Story's *Equity Jurisprudence* and the two volumes of *Perry on Trusts*, besides a good deal of Spence's *Equitable Jurisdiction* and cases in equity. The friend in New York who for the past twenty years has reported more arguments than any one else in the profession is a member of the bar, receiving his degree from the law school of our New York university; and however slender the acquirements of some stenographers not very well known may be, those stenographers best known are among the best-trained and best-read men that you will find in the general ranks of cultivated men. The mistake of the tyro who recently recorded a reference as having been adjourned "on account of the inevitable business of the referee," when he should have written "*unavoidable absence*," creates at least as great a commotion and as much mirth in stenographic as in legal circles. True, in a sense, this is a stenographic blunder, due — if you will permit me to speak in an undertone, and as something of a retort to what my friend Head said, I suppose very much as a pleasantry, in his paper — to undertaking to represent, by position, so many different things with the same consonant outline; but, pleasantry aside, the fact is that the experienced stenographer who, with half a hint before him, should so misapprehend the *meaning* of things as to misread his outlines in that way, would stand in great danger of finding his occupation gone, as a stenographer; all of which consideration may be summed up in what I think may now be laid down as an axiom, that the stenographer of highest rank must be almost as well trained as the thoroughly equipped practising lawyer must be; and hence, that the spectacle of a stenographer thus equipped — assuming, in order to create the proper parallelism, that he makes his own transcription — receiving no more for five days' work, or four at the least, than the well-paid referee would receive for one day's services in the same matter, though not one to draw tears from the eyes of the gods, should produce *some* commotion in the breasts of all right-minded beholders; and in saying this I do not refer to such instances as one that lately came under my cognizance — a reference, the proceedings in which I reported, in which the stipulation was entered into that the referee, a distinguished

New York lawyer, should receive \$25 on each occasion when the case was adjourned and nothing was done, and \$100 on each occasion on which the case proceeded before him, but to the ordinary every-day reference, in which, apparently in ninety-nine cases out of a hundred, the parties stipulate to waive the statutory limitation as to fees, and to fix them at a reasonable rate, which rate generally constitutes the compensation a very satisfactory one. Every one of large experience knows that as referred cases proceed the referee generally, where the stenographer is taking the minutes, has a fairly easy time of it; for it is only occasionally that difficult questions at law arise — such cases and those tried at *nisi prius* being very similar in that respect; but all this time, during the sessions, the stenographer is “digging away” — with witnesses, many of whom speak indistinctly, and sometimes so rapidly that it is difficult to get the drift of what they are driving at; objections occasionally hurled in, *in medias res*, with a ruling hurriedly made, the grounds of objections sometimes very obscurely and inartistically stated, and in language in these modern days certainly not so clear as that in which the veterans of the bar, and those whom we knew as of the first rank in it twenty-five years ago, stated their points of law, with the expectation, and almost a certainty, that the expert shorthand writer will, out of all this chaos, evolve order, and furnish a straightforward, symmetrical, complete and, some expect, artistic record. In the hands of such a stenographer the expectation of completeness and accuracy is seldom disappointed; but think of what it all means, not merely as to stenographic expertness, but ability and skill in keeping track of the drift and meaning of the proceedings! Having read many thousand pages of legal writings — all, I think, of what may be called the “classical” English and American legal writers and jurists, with every opinion, I think, that Chief Justice Marshall ever wrote on a constitutional question or in a prize case, with a large number of cases, especially on constitutional and international law, by other eminent jurists — I do not think I assume too much in claiming that *I appreciate* when a legal point is stated in precise and accurate terms, in language that hits the mark; therefore, that my criticism on the *style* of the bar with which stenographers have to contend, to say nothing of that of witnesses and the frequently careless remarks, I mean as to selection of language, in which the judges express their views, may be accepted, by stenographers of younger years and readers of these proceedings generally, as correct; that is, that I do not exaggerate the qualifications necessary to be possessed by the stenographer, or take an extravagant view of the compensation which, relatively to that

of the referee, he should receive. I trust that I have given, in these remarks, or at least hinted at, some reasons additional to those which Mr. Munson has given why we cannot accept, without great qualification, the views of Mr. Justice Hatch in the opinion referred to. Two points in particular are not to be ignored: First, the elaborate training, consisting partly of legal reading, which the thoroughly expert stenographer must have received; and second, the greater amount of time spent on a reference, taking the notes and getting out the record, by the stenographer, than the referee himself spends. The point of the saving of time in the trial attained through employing a stenographer, and thereby reducing, if the basis of charge be a time-basis, the fees of the referee, has been so often discussed, and is now so obvious, that I omit any further discussion such as might be readily entered upon, based on this further consideration.

Mr. RODGERS:

"Let us take the law of our side."

"Where is the evidence that doth accuse me?
What lawful quest have given us their verdict up
Unto the frowning judge?"

Judges rarely have occasion, Mr. President, to criticise the rapacity or avarice of our profession; not that we are cast in moulds of superlative honesty perhaps, but the law-makers, comprised largely of lawyers, have said, "Thus far shalt thou go," in the matter of charges for our services. While the lawyer has been careful to fence us in with fixed salaries and folio rates, he has with characteristic modesty avoided erecting any substantial barriers between himself and the client's pocket, and the lawyer is yet to matriculate who has knowingly been derelict in not charging enough for his midnight toil and nights bereft of rest over his client's interests. As Speed, in *Two Gentlemen of Verona*, says, "It's an honorable kind of thieving."

It may be truthfully admitted that Justice Hatch makes out a valid *prima facie* case from what must have been a somewhat superficial review of the facts before him, but I have the impression that the thing that predominated in his mind was the great disparity between the amount involved and the cost of attaining it; and I think with Mr. Munson's analysis before him he would not have considered the stenographer's fees as unreasonable, and possibly would not have felt inclined to join our profession as *particeps criminis*. That the rate charged was not unreasonable, considering all the facts, there can be no question. That the amount asked and received was large was due to the lawyers' loquacity. We all know many lawyers try causes "by the day" rather than by the job. In the case under consideration, while

the referee's fees up to date had fallen behind those of the stenographer by a couple of hundred dollars, it ought to be remembered that the referee had not had his innings in "considering the case," after the conclusion of the stenographer's labor.

After the careful review of Mr. Munson as to the facts in the matter I shall not elaborate them, but content myself with some observations of our side of the case as regards references. To many a lawyer it is a gratification at a reference hearing to mutter "Why, the stenographer's bill will be more than the referee's," and reinforced by this recent opinion we shall doubtless hear this more frequently repeated than ever, reference to the scoring of their own profession being omitted. As matter of fact, this is seldom the case; there are circumstances, for which the stenographer is not responsible, which do of necessity swell his bill beyond the referee's statutory allowance of \$6.00 per day, but this scarcely ever occurs when the record is: "Stipulated that the referee shall fix his own fees." It is an industrious stenographer who can compete with the thrifty referee when in making up his bill he reaches the item, "Considering the case, so many days," that specious subterfuge which enables the lawyer with elastic honesty to unpigeonhole the papers, scan the title, replace the tape, and to the managing clerk, "Bouvier, charge a day considering Doe v. Roe," and the rest of the day is left for other matters out of which he can distribute charges against his clients for a week's labor.

There is little in his bill that is tangible. Now, how is it with the stenographer? He attends a reference; without fault of his it is adjourned. He has, if a busy man, as all first-class stenographers are, or ought to be, perhaps had to supply a substitute for another engagement, for which he must pay, contenting himself with the small commission on the substitute's work. After ten o'clock has passed he is practically powerless to take another reporting engagement; it is a *non dies* for him, save any office work he may have to do, which could have been postponed until a more convenient season. He has set aside the day for that particular hearing, and why should he not charge for it? Does the referee omit to do so? So much for the *per diem*.

Many references, especially in New York city, are required to be gotten out as "daily copy," or "rush," entailing night labor, a species of recreation which the lawyer rarely considers an element to be taken into account.

Nor can there be any evasion in the stenographer's work. What he does is apparent; his transcript is tangible; there are so many folios, for which he is entitled to receive fair compensation. He has earned so much, and the amount of work is demonstrable on the spot, and is it any fault of his that the import-

ance of the action or the ignorance or foolishness of attorneys has swelled the record to six times the bulk it ought to have reached? We know how often a "Klondike" is worked by lawyers who ask questions by bulk. The stenographer has no option in the matter; he may not sift out the chaff — oftentimes if he did there would be little for the court to pass upon — for his business is to "play the scribe" for all he is able, and so it frequently happens when the glass is held up to the querist he may realize how ridiculous he has been and by way of offset he fears the stenographer may possibly insert a finger where he himself is expecting to get both arms in up to the shoulders.

The stenographer must work, though the referee may loll off in his easy chair, may consult clients, transact office business and entertain political friends; in fact, as frequently happens, leave the office entirely with "You can go right on — I will read it afterwards." How is he able to read it afterwards? Why by the stenographer remaining and working. Well, now, we have adjourned to a future day. Is the stenographer's work complete, and can he take in the ball game? No; he must get his "tracks" in form to be read by the men who heard the testimony as well as for the man who didn't.

There is scant chance of a referee losing his compensation, as he does not deliver his report until paid. On the other hand the stenographer takes his chances. After he secures the job and performs the work he is very liable to be "left" by some ingenuity which the lawyer can devise. I think it safe to say that our loss on references equals twenty-five per cent. I recall a case in point where the loss was equal to the total amount. Under an agreement a certain stenographer's fees were to be "considered a part of the referee's fees." The successful lawyer tendered the referee's fees to the referee. The referee asked as to the stenographer's fees. The lawyer replied that his client preferred to pay the referee and stenographer separately, and said he would go right upstairs and pay him. The statement secured the report, but that attorney's footsteps have never yet echoed upon the stenographer's threshold. This is not the only like instance within my memory.

I have known reputable lawyers to tax our services in a bill of costs and collect them, and then refuse to pay us the same. You may say "Why not sue him?" That is a hazardous thing to undertake, for the lawyer to-day may be a judge to-morrow. As a lawyer he will be ever ready to put a pin in your back to your extreme discomfort, if your anxiety to be paid incommodes him.

In many cases, especially in the country, where the practice does not prevail as in New York city, of drawing a draft upon

the parties as the case proceeds, we are obliged to wait until the case has traveled through all the courts, albeit the stenographer has been obliged to pay for the transcription as the case proceeded.

The responsibility of the stenographer is in most references as great as that of the referee, and the honest stenographer appreciates this, knowing that an erroneous step may jeopardize the cause of one side or the other and bring upon himself censure, though nothing may be thought of a reversal of the referee's report, for he may make ever so egregious a decision and it will only be "an error of judgment."

Whatever may be the fact in New York city, I believe that as a rule the charges by the rural stenographer are reasonable, but it is a chronic habit with the legal profession to score our profession upon the slightest pretext. As Mr. Tole of the New Zealand parliament said in a debate upon an appropriation to try a system of court reporting in that Island, "It is a disappointment to me that on a question of this kind, gentlemen of the legal profession should occupy the front rank of opposition; but it seems to me that these gentlemen, with certain exceptions, get into a conservative groove, and cannot be driven from it."

To stenography as an helpmeet and valuable adjunct of the legal profession, the bench and the bar as a rule have been antagonistic. It has taken a score of years to convince many of the older judges that the system of court reporting is advantageous in securing accurate delineation, and as labor and time saving. True it is that shorthand is a worse than useless tool at the hands of an incompetent. But there is plenty of good timber in the woods, if it be required.

If we have in individual instances developed "an appetite whetted, and keen scent for more" it is doubtless due to our constant association with lawyers—a sort of "crocking off" process. "Evil communications corrupt good manners;" and in Measure for Measure:

"Thieves for their robbery have authority
When judges steal themselves."

Two or three years ago ex-judge Arnoux, of a high-priced firm of New York city, endeavored to have the bar association take action toward having our fees reduced. He asked "If it was not a parody on justice that the services of a referee were not worth as much as those of a *mere writer* who took down what the witness said? I think there is now need to correct the law, because it is a burden that falls upon our clients." Perhaps in his anxiety to have everything saved to his client, barring what the lawyer inadvertently overlooks, he forgot that a stenographic "negative" is made in about one-sixth of the time a referee

would occupy in doing the same thing, assuming he made the record as perfectly in long-hand. Would this additional time increase the fees of the referee, the charges of counsel, and the fees of witnesses or not? Yes, immensely. We often find lawyers objecting to a reference with stenographic aid as shortening the trial too much and proportionately lessening their own opportunity of charging for time occupied, forgetting the curtailment of referee's and other fees, and the advantage of a photograph of the trial.

Let us see how the matter stands as to the legal profession. It is said lawyers live well, work hard, and die poor. This is not nearly always true, but when it happens that they die poor it is because they lived too well, for the law is the most prosperous of the professions. As you visit the smallest village and note the best house in it you are told lawyer Nisi Prius lives there. The lawyer in the main is improvident, and has less practical ideas of good business habits than any of the educated classes. That as a class they "work hard" is open to suspicion. They have to be pressed to trial, and, unlike the doctor, who often dispatches his patient, the lawyer "jollies" the client along, usually so long as there is anything drainable, the "law's delays" being proverbial. Jurisprudence and politics are twins, and the lawyer is ever on the alert for a salaried office, and the less work the better.

Then after a case is about disposed of there come that glorious day when the "extra allowances" are to be granted. That is the fully ripened plum whose drop is anxiously waited for. This is a discretionary matter to be sure, but even judges may possess rheumatic discretion just as lawyers say some judges' opinions are lame, else why should appellate courts to correct errors have to be maintained at an expense of hundreds of thousands of dollars?

I heard of a rustic lawyer who "represented" some indirect interest, — but the estate was a huge one, — who, when asked by the senior counsel what he wished as an allowance tremblingly and falteringly said he "guessed about \$500." (He had already had a good slice out of the case.) "No," said his associate, "ask for \$5,000." He did, and got it. Did you ever hear of any way by which a stenographer could get an "extra allowance?" If he is paid for exactly what he earns he is in luck.

A lawyer recently arrested in New York for converting to his own use money furnished for procuring bail, coolly declared that "a lawyer is entitled to all he can get," and he voiced the sentiment of many legal gentlemen.

Instance after instance might be cited of outrageous professional emoluments accruing to the bar, many of which have

been acquired in a manner that ought to place the recipient behind prison bars for cumulative terms.

In passing I may say that I recently asked Warden Sage of Sing Sing prison how many lawyers he had under his charge. Out of deference to some lawyers present he said he would not care to say further than that he had a goodly number. One of the lawyers asked, with gleeful confidence, "How many stenographers?" He replied, "I am happy to say not one, but if I had I could find plenty of work for him in the office."

I think we may offset the scoring of Justice Hatch, a recent acquisition upon the bench, with that administered to the legal profession by that veteran judge, Ingraham, who said in a motion to substitute counsel in a case where counsel had received \$850, in a simple collection case, and refused to deliver up the papers until paid more: "It seems to me that lately lawyers try to get the last dollar out of their clients. If a lawyer cannot agree with his client it seems to me it would be a good plan to go back to the old *honorarium* practice where, in the event of disagreement, the lawyer could collect nothing."

As the Atchison Globe puts it, "The procession of boys following a boy who has a nickel in his pocket becomes a procession of lawyers when he is grown and the nickel has become a dollar."

Many years ago, and far away, I knew of two lawyers who presented a bill for nearly \$40,000 for about a year's services in prosecuting a county official, to recover about \$100,000. The result was a finding that in fact the indebtedness was several thousand dollars the other way. Their bill of particulars was so unique that a local paper supplied some "mislaidd items," of which a few were:

Laying awake nights thinking of case.....	\$5,000
Wear and tear of conscience.....	3,000
Prostration of nerves on being notified to quit.....	5,000
Loss of prospective profits on six other suits at \$2,764.28 per month, estimated at 120 months.....	331,713
Counsel fee and services and examining Daboll's arith- metic in preparation for and commencement of above estimate.....	1,000
One exhausting pump used in examination of defendant.	9
Services as attorney and counsel in examining the same.	500
Report of said examination and communicating same to the supervisors.....	300
Clothes wringer used in cross-examination of defendant.	15
Penalty to Bergh, upon complaint of cruelty in use of wringer	50

Services as attorney and counsel in confronting committee of supervisors.....	500
Office room furnished committee.....	1,500
Listening to abuse by opposing counsel.....	75,000
Reading report of same in newspapers.....	50,000
Swearing at same.....	25,000
Paid for help in swearing at same.....	5
Services as attorney and counsel in informing Board, who stole the \$25,000 (\$25,000 less \$3,000 in bill presented)	22,000
Percentage on money collected for county, 100%.....	38,000
Paying the same over to ourselves, 100%.....	38,000
Services as attorney and counsel in examining money...	1,000
Consulting with each other as to what to do with the money	2,000
Services as attorney and counsel in advising that said money be paid over to defendant.....	38,000

I recall a case in a western state where counsel made a motion for an allowance and the judge threatened to disbar the attorney if he ever again made a motion before him under such circumstances, it being a case where the lawyer had already been amply paid.

You all recall the Davis will case in Montana. Seven years ago the estate was considered worth \$14,000,000. Its value at present is said to be but \$4,000,000, and the end is not yet.

In the Fair will contest, a firm of lawyers having received \$89,925, modestly made an application for a further allowance.

A dispute over \$800 was recently disposed of in this state which caused the litigants to spend about \$25,000, if rumor is to be credited.

The celebrated "calf case" cannot have escaped your recollection, which has been in litigation out west for many years, growing out of a dispute over a \$2.00 calf. Up to last accounts the "costs" amounted to \$1,400.

Only seventeen lawyers recently appeared in a will contest as necessary to "protect the rights" of the parties.

Look at this state. According to report its bill for legal advice has doubled within three years. In 1894 so great had this expense grown that the Attorney-General had a bill passed compelling state departments to obtain legal advice from his office, but exceptions have been gradually made until it applies to but one department. Extra legal assistance amounts to more than \$75,000 a year, according to the records. Expenses of counsel to legislative committees swell to many thousands every year. Who believes an ordinary rural lawyer can *earn* in less

than six months \$20,000 for defending an accused official before a committee? Yet that was the bill that was paid. Numerous instances of surreptitious feeding at the public crib might be cited. Massachusetts paid this year to legislative counsel nearly \$70,000. But let the stenographer present a bill to the Comptroller, and he must produce a copy of the work, which work will be counted, and paid for when there is an "appropriation."

Reverting again to reporting references, I may add that however it may be with others, our firm have endeavored in protracted references to keep our charge within and below that of the referee, and if advisable have "scaled down" our ultimate charges below the customary rate; and it is our usage to make no charge for attendance where the hearing is postponed. *We* are the ones exercised over extended references, as we know that after a certain time our services are practically to be rendered *gratis*. Sometimes after an unsatisfactory finale of a case, we are invited to "throw off" from our bill, which we of course do if we are at all satisfied of the merit of the request, notwithstanding we can make no such appeal to the operatives who transcribed the work. Speaking for our locality, I am glad to say that we have never had complaint that our bills were extravagant, and in several instances we have been complimented upon our reasonable charges, and I think this applies to the country districts generally. If our brethren in New York are "killing the goose that lays the golden eggs," we trust their sins will not be laid at the door of their up-state associates.

The stenographer will never pad his report merely to "roll up folios," and as most law stenographers are lawyers, or at least become as well trained in the law as the average lawyer, he should properly "edit" his report, and make it up almost as if it were the "settled case." He will not be accused of shirking his duty if he judiciously lops off irrelevant matters and redundant verbiage. Not that he is to interfere with the actual testimony given. True, in one sense, it will not be a *verbatim* report, but we all know that term is too often a misnomer, and the worst reporting may be that which is termed *verbatim*. If counsel precedes an objection with "Now, if your Honor please, I desire to be permitted to object," etc., why insert the preliminary apologetic courtesy; why not condense it to "counsel objected," etc.? That tells the whole story effectively, and such revision and elision the lawyer must give it when he "makes up" his case. His good opinion of one's ability will not be abated, for he knows one could as easily have reported the introduction as the conclusion. Personalities, pleasantries, repetitions, colloquy, etc., should find no lodgment in the record. If counsel has the bad habit of introducing his question by,

"Now, Mr. Grojinski, I am going to ask you a question," just play with your pen and wait till he "lights" and really asks the question. The lawyers are not few who unconsciously precede nearly every question with "and." A very few of these peculiarities scattered along to remind parties of the "style" of counsel, or by way of emphasizing, may be well enough, but to scrupulously incorporate all is, to say the least, in bad taste, and is not good reporting. These suggestions are for those who have not had the experience of some of the older members (and sometimes the "old hands" are guilty,) and to dispossess them of the idea that the preservation of their reputation as stenographers does not depend upon setting forth every word, but in securing the correct and relevant words, not preserving redundancy for the sake of pride and pocket. Counsel, in the excitement of trials, are careless of grammar, indifferent to sentence construction, and generally oblivious that they are forming a record for review possibly. We are, therefore, expected to do it for them, and it can be done, and yet the inviolability and efficiency of the work stand unimpaired. We would criticise the photographer who furnished us a finished picture true to nature, every wrinkle in evidence, all blemishes uneradicated, or at least partially mollified. So with the record of a trial; it should be "toned down," turgidity "spotted out," inexactness corrected. In other words, dress your case in the best clothes your mental wardrobe possesses, and when it has received the final supervision, about five per cent. of your clients will give you credit for it; the remaining ninety-five per cent. will felicitate themselves on the clean-cut manner in which they tried the case, believing they accomplished it unaided. In any event, the assignable cause for courts to criticise the profession will be diminished, and you will glow with satisfaction in having creditably "acted well your part."

The following paper was read:

STENOGRAPHERS' FEES.*

Certain remarks made in the opinion of the Appellate Division on the subject of stenographers' fees have attracted considerable attention, both on the part of stenographers and members of the bar.

Quoting a portion of the opinion, the article proceeds:

"It would seem only fair to quote certain remarks in reply to

* As this portion of the Proceedings was about to go press the above appeared as an editorial in the *The N. Y. Law Journal*, the official law paper of New York city, in its issue of October 27th, and it has been considered worthy of reproduction in this connection.—Pub. Com.

the above, contained in an address by Mr. Munson at the recent meeting of the State Stenographers' Association."

Mr. Munson is then quoted from that portion in which he analyzes the charges of the stenographer, and the *Journal* comments:

"It is quite probable that, as in most controversies of this character, the just view of the merits lies between the two extreme positions. It is, of course, unwarranted to base an opinion that a stenographer's charge is extortionate on the mere ground that it amounts to a large sum, and, moreover, exceeds the compensation of the referee. Cases not infrequently arise, where testimony is taken upon issues of fact, especially if the cross-examination be protracted and savage, in which the stenographer's fees quite properly exceed those of the referee. This is a matter for which counsel are responsible, and which cannot be laid at the door of the stenographer. It certainly behooves counsel and the referee to keep an eye on the growth of the record, lest the old fable be recalled of the woman who carried a favorite calf about in her arms until it grew up to be a bull. It is a very common observation that the introduction of stenographers led to the systematic and enormous lengthening of records. Where testimony was taken in longhand, naturally only important and material matters were transcribed. If counsel would confine themselves to absolutely relevant material at present, the complaints against stenographers' bills would be less frequent. It is only proper, also, for the judge, or the referee, to interpose in his discretion for the purpose of keeping the record within moderate proportions, especially where a fair suspicion arises that a rich litigant, to whom the cost of the proceeding is not a very serious matter, is striving to spin the case out as much as possible, with a view of making it difficult or impossible for his poorer opponent to appeal. Many pages of matter frequently get into a record through simple inadvertence. Personal conversations, remarks of no real pertinency, and even mere pleasantries, are thus perpetuated. Undoubtedly the average stenographer cheerfully takes down a number of such things, which, of course, go to swell his bill, and which he knows in his soul nobody wants. On the other hand, it is not fair to expect, and sometimes it might be dangerous, to trust the stenographer to edit the record. This is the function of counsel and the court, or referee.

But, after making all proper concessions, we still think that the language of the opinion of the Appellate Division above quoted expresses a general sentiment entertained not altogether unjustly about stenographers' fees. We do not think that lawyers look upon stenographers in the same light as, according to

newspaper authorities, laymen regard plumbers. But there is something of the same feeling as to the expense of phonographing reports. In practice we think it excessive to charge \$5 for merely attending a reference, where an adjournment is immediately taken. Of course, the stenographer's answer is that he was precluded by the necessity of such attendance from keeping some other engagement where he would have made more than \$5. But, as matter of fact, if the same stenographer has more than one engagement for the same hour, he sends a substitute, upon some arrangement between them as to dividing compensation. Then, too, there is good ground for the view that, either the current rates per folio, or the practical method of reckoning folios, together with inflexibility as to reduction to reasonable lump sums, result in certainly disproportionate and probably excessive charges. There seems to be a limit to the number of first-class stenographers, so that competition among those capable of handling an important case does not bring down the rates. It is only just to remember that to be a first-class stenographer requires not only technical skill and long experience in the art, but also a thorough command of the English language and wide general knowledge. But an attorney is in the same position, and he to an extent has to grade his compensation according to amount involved and results, while the stenographer's bill stands as a fixed arbitrary sum.

The difficulty is by no means an easy one to practically solve. There is no doubt that, as intimated in the opinion of the Appellate Division, stenographers' fees constitute a heavy burden upon, and often a deterrent from, litigation. One suggestion that occurs for keeping down this expense would be an arrangement by which each party shall pay forthwith for the testimony taken by his counsel, both on direct and cross-examination.

SPEED IN SHORTHAND.

BY FRANK H. BURT,

OFFICIAL STENOGRAPHER, SUPERIOR COURT, BOSTON, MASS.

I have not the leisure in my working months, neither have I the inclination in my all too brief vacation, to indulge in researches into the theory of shorthand, or its relation to literature, or its effects upon the nervous system, so as to be able to contribute a paper of a technical and scholarly character to your proceedings. Therefore, sitting here at Jefferson Highlands, N. H., and gazing upon the grandest of our New England mountain tops, I will simply undertake to put upon paper a few practical suggestions, drawn from a dozen years of hard work, as to "Speed in Shorthand." If I diverge a little from

the subject I shall excuse myself in the way that a friend of mine, a well-known Boston clergyman, does. He tells the story of the colored preacher who introduced his sermons with the words: "Bredderen and sisters, my discourse am *basted* on to de followin' text," and then if the remarks do not prove to fit the subject my friend explains that the basting threads are loose.

I suppose we all remember those dreadful days when we had mastered the theory of shorthand and had reached the point where we were practising for speed—the speed that seemed never to come, the speed that held out delusive hopes while our much-enduring friend or relative read for us at a snail's pace, only to leave us hopelessly in the lurch when we sat with paralyzed pencil and heard the most moderate-spoken of clergymen go galloping clear out of our hearing and sense. Wearisome days they were, and fortunate were we if the patience and interest of our unhappy readers held out to keep up our own. Then came the memorable days when the Sunday morning sermon ceased to have terrors for us, when the minister praised our report, when we successfully reported for the first time a political speech and were dabbling with court proceedings. How had the progress been made? Simply by keeping at it systematically, and by the use of good sense; then, if we had it in us to succeed, we succeeded. I assume that *we* had the gift, else you would not be here and I should not be reading (by proxy) these words. As for those who had it not, we all know them. "Oh, yes, I studied shorthand quite a while, could write 150 words a minute easily, but it was too hard work, nothing in it when you had learned it, and I never found it of much use." Or else, sometimes, the honest confession, "Well, I worked hard learning shorthand, but I could never get over 80 words a minute, and I don't see how you fellows ever can keep up the speed you have to write."

Well—to go back a bit—we have displayed our modest sign, "Law Stenographer," but we sit all day idle, for "no man hath hired us." Hardest of all hard times this—when we are sure we can do the work fairly well, but can get none to do; when we only need practical experience to become thoroughly competent, but until that thorough competency is attained no one will give us the work which will afford that practical experience. "The way to learn to practice law is to practice law," once said one of our judges to me, "and the way to learn to report cases is to report cases." And so we wait and hope, spurred on by the bread-and-butter stimulus, without which I doubt if many of us would have gained the battle.

his pulse after long stretches of high-speed work and found it again and again at one hundred beats per minute. Fortunate it is, too, if these supreme tests find us in sound physical condition, with cool head and untroubled nerves. When worn and weary the stenographer cannot do himself justice. For this reason we are coming to realize the folly of the long night watches which we have so often kept as we dictated to the weary operator on the unwearying machine, and most of the Boston stenographers now pass their evenings in the bosom of their families. Ten years ago it was the rule to sacrifice ourselves to business, now we have learned to sacrifice business to our own comfort; and in the course of the year we make as much money as ever, while enjoying life tenfold.

The experienced court stenographer can often, by a few judicious words quietly spoken to a young lawyer trying his first case, prevent the latter from falling into the pernicious habit of talking too fast. I have never known the suggestion to be disregarded and have many a time been thanked for making it, besides having the satisfaction of knowing I had made life easier in one respect for myself and my brother stenographers.

In my first term as an official — it is so long ago I can safely confess it — I was nearly floored by a horse jockey, who was trying to swear through a defense for his employer, and who, like all of his kind, talked like a race-horse. But my despair was relieved when the plaintiff's counsel, in argument, said to the jury:

"Gentlemen, in my experience of eleven years at the bar I have never heard a witness talk as fast as that man did. Now you know, gentlemen of the jury, as well as I know, that a man who talks as fast can't possibly tell the truth."

That remark, I think, will appeal to any stenographer — the man of reckless, swift, inconsiderate speech does not inspire confidence like the sober, deliberate, careful witness; and, logically or not, the stenographer's feelings will sometimes be turned against the man who seems almost wilfully to have tired him out by his needless rapidity. Where both sides have offended equally I have occasionally been reminded of the story told of a judge of the old county court in my state, in the early times, when the bench would sometimes descend to the bar — in the wrong sense. Having to charge the jury just after a too stimulating dinner, he thus addressed them with some thickness of speech:

"Gen'lemen of the jury, this is a horse case. The plaintiff's a damn rascal, the defendant's another damn rascal, and it don't make a picayune's difference which you find for."

I think, as a rule, there are fewer swift witnesses among

women than among men. Some years ago, however, I met with a woman witness in one of the out-of-town courts who could hold her own with the swiftest. After getting pretty tired I broke out with a request not to speak so fast. She looked at me in surprise for a moment, as much as if to say, "What business is it of yours how fast I talk?" "Yes, you must speak slower," said the examining attorney; "he has to try to take down everything you say."

The other day a damage case against a street railway company was on trial, and a witness for the plaintiff had surprised everybody by estimating the speed of the electric car in question at thirty miles per hour. It so happened that the next witness was a "terror," and I was obliged to stop him for a moment.

"The witness talks as fast as the car was going," smilingly observed the railway lawyer. "Perhaps you can brake him up," retorted plaintiff's counsel.

Down on the island of Martha's Vineyard, quite early in my shorthand experience, I was attending court in sleepy old Edgartown with one of our most esteemed judges, who usually gives the stenographer plenty of exercise in his charges. Walking to court with him one afternoon he asked me if I found him difficult to report. I told him it was pretty hard work, but I had been able to keep up with him thus far. "Well, if you find I'm going too fast, just sing out," he rejoined.

That very afternoon, as he was charging the jury, and I had struck the right pace to keep nicely along with him, he suddenly, to my consternation, paused at the end of a sentence to say, in a tone audible all over the court-room; "Am I going too fast for you, Mr. Reporter?" I had just presence of mind to stammer out, "Just about right, thank you," and to catch on as nearly as I could where I left off; and he never knew the sensation that his kindly, though unlooked for, question gave me.

Perhaps stenographers in your state and in the wild West never stop witnesses. If they do, I doubt if they tell of it, certainly not the Chicago men. But this is a truthful tale, and I don't know of many court reporters in the East who do not call a halt now and then; and in my experience the judges have always backed me up, and sometimes with an emphatic caution to the witness to talk slower. One day an expert was giving, at a terrible rate, a long description of the operation of an elevator. I had asked him once to slow up, but he had paid not the slightest attention. Faster and faster he rattled, and I was twenty or thirty words behind and on the point of crying for mercy, when the judge broke in, "Stop, Mr. Witness! This stenographer can't take you — no stenographer could take you.

I never heard a man talk as you do. You utter every word distinctly and we can understand you perfectly, but no man living could put your words on paper. Chain lightning couldn't report you." As the sensation in the court-room subsided, I said, "I haven't the last part of the answer, your honor." "Of course you haven't," said the court, "nobody could have taken it."

It was this same judge to whom I once applied for an extension of the time within which a case was to be written out at the beginning of the summer vacation. He granted the request willingly, saying, "I do not wish you to have to work under too much stress during this hot weather, for I know something of the strain to which you are subjected in court. When I was at the bar I often had to take testimony in longhand while sitting as master or auditor, which was very exhausting, and I can very well understand how much more severe your work is."

Now and then a judge, with equal consideration for the stenographer, unknowingly places the latter in an awkward position. An expert witness was going too swiftly for the stenographer—a lady—and she stopped him. "Miss ———," said the judge, "you are only expected to make the best report you can. If the plaintiff's counsel wishes his expert correctly reported he must make him speak slowly enough for you to take him."

Now such a remark as that, while reassuring to the stenographer, places her in the embarrassing position of having to keep up the pretense of taking a witness in full when he is really too swift for her, so that she knows that her report will not be accurate and may some time subject her to criticism. The better course is to let the stenographer control the speed of the witness—when it is possible to do so. The expert court stenographer will never abuse his privilege; and counsel and court will respect him for his fidelity.

"The trouble with some stenographers is, they are not honest," was the remark which a judge made to me in the early days of court reporting. "In a recent case I asked a number of questions of a witness, and without my being aware of it I talked too fast for the reporter, who had not had much experience. The report was wretched—whole questions and answers left out, answers tacked on to the wrong questions, and everything mixed up. Now if the reporter had been honest enough to say, 'Your honor is talking a little too fast for me,' I would gladly have gone slower; but he kept still, and it never occurred to me but that he was getting it all."

Yet there are times when the stenographer *must* get it all, at any sacrifice of nerve energy, when any break in a cross-exam-

ination will interrupt the train of thought of counsel and witness, giving the latter time to pull himself out of the pit into which counsel is leading him, and perhaps frustrating the very purpose of the examination.

"Do you suppose," said a lawyer to a stenographer, who was complaining about the former's swift cross-examination, "when I see by the look in a witness's eye that he is going to say something that will hurt me, do you suppose I am going to let him finish? No, sir, I'm going to fire another question at him just as quick as I know how, and I haven't time to think about the stenographer." Such are the exigencies that call for the reporter's highest skill and greatest coolness and good sense. He must possess enough legal instinct to grasp the situation and follow the mad chase with all the speed he possesses and never a break. Exhausting it is, in truth; but there is an exhilaration in the reporting of such a contest of wits and in the accomplishment of such a difficult task, not unlike the enthusiasm with which the mountain climber looks down from the peak he has scaled, which never before was trodden by man.

Mr. LITTLE—This brings up a *new* subject to the members of the State Association—new about twelve years ago—and it has been discussed (and cussed) constantly from that time to the present.

I have noticed within the last few months representations upon paper of enormous speed in stenographic, not work but experiment, and I have learned that in experiment a great many things can be done that cannot be done in practice. I have also learned that in experiment 402 selected words can be written in a minute, which cannot be done in practice with ordinary matter. I have also learned that 402 syllables, each of which constitutes a word, can be written in one minute. I am also aware of the fact that information can be distributed all over the country through the medium of the press that 402 words per minute have been written, or at that rate, for about forty seconds. I am also aware of the fact that every man who knows anything about shorthand writing can compute the number of words in those *prepared* sentences containing more than one syllable, and he can also compute the number of Q's and A's which were counted as words and which were not written. I am also aware of the fact that anybody can discover, from an examination of the matter written, as published in the magazines, that it is composed substantially of words of one syllable, that the word "half-past" is used twice and probably counted as two words each time, and the word "brother," which is one of the easiest words to write in shorthand, the word "going" written with a single stroke, and the word "Howard," and

probably the only reason the word "Smith" was not used instead of "Howard" in fixing up the matter for the test was because "Howard" can be written in shorthand easier than "Smith."

I find, in the matter as published, 124 words in fact, though they claim 144, there being twenty Q's and A's, not a single indication of which appears in the notes. I also find a lot of characters the like of which I have never seen before, and out of which, without the printed matter, no stenographer on earth could make anything.

I find, therefore, that it was simply a test to determine how many syllables a particular man could write, not so he or anybody else could read it after the notes were "cold," but how many marks of some kind could be put down upon paper after a reading for a certain time, then furnishing the matter read so that the phonographic world could have them in their vain attempt to figure out phonographic representation, while, without the printed matter, they are simply marks.

We find then, in the test, which was apparently authenticated substantially 402 syllables less nearly 20% Q's and A's, or a net total of 320 syllables represented, or attempted to be represented, by stenographic characters. Some of the characters cannot possibly be figured out as representing the words given in the published matter.

Let us take from the same magazine some other published testimony, ordinary testimony, and make a comparison, leaving out the Q's and A's.

Take 320 words from the May, 1897, World, page 320, second column, and you will find that there are but 15 Q's and A's. You will also find that there are 78 words of more than one syllable, or nearly 25% of the whole number. There are 499 syllables in the 320 words. Deduct the 25% of extra syllables, which would be 80, from the 320, and you get 240 words, which is about the rate the matter before referred to was written, or would have been written, had it been ordinary matter. It in fact was not written at all, because the most of the alleged stenographic characters do not mean anything.

The information that 402 words per minute had been written in shorthand has been published by phonographic journals, one in particular, which has not only seen fit to give credence to the exhibition, but has also seen fit to cast slurs upon others and upon this Association. The man who claims to have written with such great speed is not even a stenographer but merely a shorthand writer, a phonographic trickster, a juggler in shorthand.

There has been no attention paid to this matter by members

of this Association, for it has been entirely unworthy of it. The journals that published it for the purpose of creating discussion, received no communication from any of us. The matter was published, however, and still my challenge for a wager of anywhere from one to ten thousand dollars that 250 words cannot be written per minute and accurately transcribed, as per the original proposition, remains unaccepted. That proposition is open to-day to any live man in the business.

The man who has been in the business, who is in the business, writes according to his necessities; the man who is not in the business amuses himself by practice upon single syllables, calling them words, adding words which he does not write, and proclaiming the result as a wonderful stenographic feat, while, from an analytical examination, we find nothing extraordinary at all.

This is the result of the *test* which is going 'the rounds of the press, where the whole matter was undoubtedly pre-arranged, the words selected, and the "testimony" fixed up for the purpose, all words of one syllable, with the exceptions I have named.

As to the paper just read, I doubt very much Phillips Brooks uttering a prayer at the rate of 325 words per minute. I don't think he would, for he would think it unwise to do so, for he would know that the Lord at that time was listening to prayers in many different languages all over the world, and if he talked at that rate He might think it was being uttered in some, to Him, unknown tongue, and would be unable to follow it. Perhaps the time was counted after the usual "Amen" by the congregation, and the length of time it took them to get upon their feet may have been included in the estimate.

No man can write with accuracy 325 words per minute, of ordinary discourse, and I challenge any man on earth to do it. For the purpose of the test, I suggest that two stenographers make the test side by side, let someone read to them ordinary discourse at the rate of 325 words per minute, and I will wager any amount that these two stenographers will not furnish transcripts of the matter read exactly alike. If they don't, they lose; if they do, they win.

Mr. LAW: A word on this question of experimental tests. I made one awhile ago on a plan I have not seen referred to by anyone. The idea was taken from the manner used to make typewriter tests, selecting an easy sentence and repeating it. With great care I selected a sentence which contained a number of easily written phrases. I did not devise any arbitrary outlines for these phrases, but wrote them precisely as I would have done had such a combination of words occurred in my work

in court. This sentence I repeated through a minute, and found by that method I was able to write 478 words.

I contend that that is as good and as fair a test as many which have been made public and just as valuable, and I know that any rapid writer here can do equally as well and perhaps better by the same plan. It was done in a perfectly fair way, so far as the writing was concerned. I did not make any arbitrary signs, but selected the outlines that would have been used had they occurred in actual practice, but repeated that combination. I agree entirely with Mr. Little in regard to shorthand writers and this question of speed. I have been able to hold down the job in my district for some years without having a great deal of difficulty and I cannot write nearly as rapidly as those fellows claim they can.

Mr. MARTIN: I move the secretary be directed to send a communication to Chicago that we have a member who can write 478 words a minute.

Mr. BEACH: In relation to these word tests, experimental writing, etc., I am reminded of the answer of a witness down in our district, in a horse case. The question being tried was in relation to the value of a horse which had been injured by a telephone wire dropping in the street, and a witness for the defense, a regular old-fashioned horse jockey, was describing the horse as a very ordinary one, and stated his value was perhaps one hundred dollars. The plaintiff claimed the horse was very valuable by reason of his great speed. On cross-examination the witness was asked various questions in regard to the horse, and the examiner finally said to him, "Suppose this horse could trot a mile in 2:30." "No," replied the witness, "he could not do it, he never trotted a mile in 2:30 in his life." "Suppose he had gone a quarter in 0:36," asked the examiner. "There ain't no money on the quarter," replied the witness. While this may be a homely comparison, it seems to me that it applies very well to these tests. They are of no value and prove nothing. A horse to be of any value because of his speed must trot full mile heats and enough of them to finish a race. What he may do on a spurt, or the time in which he may go a quarter is of no particular consequence. The competency of a stenographer is not measured by the number of words he may write in five minutes, or the speed he may attain in repeatedly writing a single selected sentence; he must be able to take what comes for an hour, for a day or for a succession of days or weeks.

Mr. OSGOODBY: I remember the performance before the State Stenographers' Association, down in the eastern part of the state, some years ago. Mr. Little made some very interesting experiments, I think; something in the line of what the gentleman has

just spoken of. I wish he would tell us something about it. I know Mr. Little acquired very great speed.

President McLOUGHLIN: With all due respect to the western whirlwind, the tornado of Chicago, and the blizzard of the northwest, we have in the ranks of our own Association either a better liar than all of them put together, or the best and fastest shorthand writer in the country.

Mr. HEAD: One thing very peculiar about Mr. Law's experiment is that he has been in the business so long. It would not be anything unusual for a man who had only been in the business for a few months or a year to write 478 words in a minute! But it seems strange how a man who has been in the professional ranks so long could write such a number of words as that.

Mr. RODGERS: I think Mr. Law ought to state what the sentence was so we can experiment with it.

Mr. LAW: I do not remember it. It was made up of short phrases like "as near as you can."

Mr. LITTLE (sarcastically): Why not experiment with one word of seven syllables? I guarantee to write that phrase 500 words a minute! (Great consternation.)

The PRESIDENT: I think it wise to end this discussion at this point.

At one o'clock P. M. the convention adjourned to Manitou Beach.

On arriving at Manitou Beach, nine miles down the lake, a delicious and delightful banquet was served, by the courtesy of Rochester members (A. P. Little and Thomas R. Griffith acting as hosts), after which the fifth and last session was held in the pavilion. The rare natural beauty of the place, the bountiful repast just bestowed by good friends, and swift-flying moments of a successful meeting fast drawing to a close conspired to make it a fitting finale.

Mr. Martin moved that the secretary be allowed \$30.00 for reporting the proceedings of the convention. Carried.

Mr. Rodgers offered the following resolution:

Resolved, That the Rochester press is entitled to our sincere thanks for special attention and space devoted to the proceedings of this convention. Unanimously carried.

Mr. Law offered the following, which was promptly seconded and carried:

The non-resident members present place upon record their grateful appreciation of the courtesies again manifested by their Rochester brethren in providing the excursion (and "appurtenances thereto belonging") to Manitou Beach, the memory of which will ever remain with its participants.

Mr. Rodgers moved that the thanks of the Association be

tendered the Cottage Hotel management for the use of its excellent meeting room and other courtesies extended. Carried.

Mr. RODGERS: As I am again designated upon the publishing committee, I think we need some reform in the tardiness with which our proceedings are issued. I was not responsible last year for the delay in the publication, as all proofs were read and returned within twenty-four hours after receipt. The delay is by members unduly holding their papers for revision. I shall endeavor to have the printing expedited, and I trust that the members will co-operate with me.

Mr. Osgoodby suggested this morning that someone prepare a paper for the next meeting which should embrace, in brief, a description of the methods and manner of doing work in a stenographic office. I think that such a paper, together with such discussion as such a paper must necessarily elicit, would be of interest and value to us all, not only in this but in other states.

I also suggest that during the coming year those of us engaged in court work make a note of such interesting court scenes and anecdotes as may arise, and forward the same to some member to collate and present at the next annual meeting; and I know of no one who will give the matter better attention than Mr. Rose. We have had several such papers, which have added spice and variety to our proceedings. I urge all to contribute to the general fund during the coming year, or if members do not care to do this I trust they will feel inclined to weave their material into a paper for presentation by themselves.

While the company sat enchanted by the beauty of the "Horicon" spread out before them, and the sun just sinking below the horizon at their backs, Col. Demming, of Harrisburg, arose and said:

Before final adjournment I wish to say a few words. I first attended your sessions when you met at Rochester a number of years ago (1878.) The Association was but two or three years old, but I noticed then that you were a vigorous sapling in growth. You have since become a sturdy oak. And I am delighted to know you have grown to such proportions that you are now considered (and I believe truthfully) the leading stenographers' organization of America. Your influence is far more than statewide. We look upon you in Pennsylvania as an authority; and anything done by your Association is almost the same as law with us.

Yesterday while at the Cottage Hotel listening to the excellent papers, and the discussions, I heard a tapping and a patting in an adjoining room; and, as I told a member of the Association to-day, it reminded me of the story in David Copperfield where the coffin was being made for his mother. But I thought:

Well, if they are making a coffin in the other room, it certainly is not being made for the New York State Stenographers' Association, because a more vigorous and healthy body of stenographers I have never seen, nor a more intellectual body.

I thought that some time during this meeting the subject would be discussed relative to the feasibility of having an examining board in each state, to be called, say, "The State Examining Board of Stenographers," somewhat similar to the State Examining Board of Pharmacy, or that of the medical fraternity; because I believe that sooner or later this course will be necessary, and the sooner it is agitated the better it will be, perhaps, for all concerned.

While I am glad to be with you, I am not sure that I shall be able to come to your sessions soon again. I will try and do so if I can possibly find opportunity. It is a great pleasure to meet with you in convention, and to join with you in the enjoyment of these meetings. But I miss some very familiar faces here. I remember one or two who were quite active in your Association when I first attended your sessions, who have passed beyond. But so we go. When your turn comes, or mine, just before going may we each be able to say in the beautiful words of Tennyson, so vividly recalled to mind by the great waters just before us, and the setting sun behind us, —

' Sunset and evening star,

And one clear call for me!

And may there be no moaning of the bar

When I put out to sea.

But such a tide as moving seems asleep,

Too full for sound and foam,

When that which drew from out the boundless deep

Turns again home.

Twilight and evening bell,

And after that the dark!

And may there be no sadness of farewell

When I embark.

For though from out our bourne of Time and Place

The flood may bear me far,

I hope to see my Pilot face to face

When I have crossed the bar.' "

IN MEMORIAM.

The special committee on resolutions on the death of Mr. Willis H. Porter reported the following resolutions, which were unanimously adopted:

WHEREAS, God in His wisdom has seen fit to remove from earthly activities **WILLIS H. PORTER**, one of our esteemed active members; and

WHEREAS, This Association in convention assembled, desires to express its deep sense of personal loss, be it

Resolved, That in the death of Mr. Porter, the New York State Stenographers' Association has lost a most valuable, active member; the Supreme Court of the Fifth Judicial District an experienced and skilful reporter; the community in which he lived, a most respected citizen; the church, an earnest, Christian worker; and his wife and children a kind husband and a loving father.

Resolved, That we extend to the bereaved wife and children our sincerest sympathy in their great affliction.

Resolved, That a copy of these resolutions be printed in our Annual Proceedings, and that a copy be transmitted to the bereaved family.

Mr. MARTIN spoke as follows:

Mr. President and Members of the Association:

I was unable to be present yesterday when the death of our esteemed fellow-member, Willis H. Porter, was announced. Let me take this occasion to say a few words concerning him who has passed away.

For the last twenty years Willis H. Porter has been actively engaged in the practice of his profession in Northern New York. Commencing as the stenographer of the County Court of Jefferson county and as a law and general reporter, he gradually made his influence felt until in 1893 he was appointed stenographer of the Supreme Court of the Fifth Judicial District. It was the same old story of ability recognized and fitness acknowledged.

I need not speak of him as a stenographer. All of you who knew him can testify to his ability. It has never been my good fortune to meet a man more careful and painstaking in his work. In the rush of "daily copy," or during vacation of court when work was light, he was ever the same,—careful, methodical, painstaking. His splendid work for the last twenty years is a monument to his stenographic ability.

As a man, Willis Porter was ever ready to do his part in the battle of life. He was a respected citizen of the town in which

he lived. He was identified particularly with the literary and religious life of the community. He was a fine example of a man immersed in public affairs, and yet never concealing his religious life. The church of which he was a devoted member will long feel the loss it sustained by the death of our departed brother. Whether reporting a circuit in a distant city, or at home among his family, he was ever the same, a kind, gentle, noble man. Quiet and retiring in disposition, he yet succeeded in gaining the friendship of all those with whom he came in contact. During his twenty years of active service in this locality I have yet to hear a man speak of him in anything but the highest terms.

To those of us who have only known him in the capacity of a friend and co-worker, his death comes as a great sorrow. But if we, who have thus simply known him, mourn his loss, what shall we say of the family whom he loved so well that has lost a husband and a father?

Miss M. J. Ballantyne, being selected by the Committee on Resolutions on the death of Mrs. Rowley, prepared the following tribute:

Mrs. Eleanor F. Rowley, the subject of this sketch, who passed away at Rochester, N. Y., September 7, 1896, was, in every way, an extraordinary woman. Few men, though unimpeded, have accomplished as much as she in her forty years of life. Left suddenly dependent upon her own exertions for the support of herself and infant son, she braved adversity as many a man could not have done, and discharged the double duty of father and mother with unusual success. Embracing stenography as a means of support she entered heartily into the work of a busy law office, (Messrs. Shuart & Sutherland,) where she not only acted as amanuensis but reported their numerous reference cases as well.

For ten years she made herself invaluable to her employers and won her way to the respect and admiration of her many friends, and the warm regard of those who were closely associated with her. Seeking advancement she left Rochester in 1891 and became a stenographer to the Nautical Almanac Office, in the navy department at Washington. In this new field as the assistant to Professor Newcomb in astronomical work of the highest grade she quickly attained a rare proficiency.

She became an active member of our Association in 1884, and was elected its Secretary and Treasurer at Alexandria Bay in 1889, and the same year contributed to the Association a valuable paper entitled "The Girl Amanuensis and Typewriter Operator," in which she ably discussed her special merits. She

always held the interests of the Association in high esteem, and regretted her inability to attend its annual meetings during her residence in Washington.

Possessing rare mental endowments, she engaged in the battle of life with brilliant success; and her sweetened and chastened soul looked into the face of the conquering enemy serenely and composed. Her memory will be gratefully cherished by a large circle of sincere friends.

President McLoughlin: We have concluded, I believe, all the business we have to transact. You have honored me by selecting me as your president for the coming year. Whether or not I deserve this expression of confidence and good will may be seen at the close of the term when we meet next year. I will do my utmost to bring together at Albany a gathering which will include every official in the state. I well know that Mr. Rodgers and his firm own Albany, politically and socially as well as stenographically, and we are sure to have a splendid time. The Fort Orange Club (I am told) would be a delightful place to have a banquet.

During the year if any of our country members are in the great city of New York I would be happy to meet them, and if I should happen to meet them I would feel as I have felt in the last few days, that I would be in the company of some of the brightest minds in the state. I now declare this convention adjourned until the fourth Thursday in August, 1898.

An essay from David Wolfe Brown, of Washington, D. C., upon "The Reporter as a Speech Reviser," was received as the convention was about to adjourn, and there being insufficient time in which to read it, the same was ordered printed. Mr. Brown recalled the paper for correction and amendment, and subsequently wrote Mr. Hill as follows:

"I felt that I ought to set to work and get my essay in shape for publication in the proceedings of your society. I saw some hope of being able to do so, because I was about to return to Washington, and because the extracts or quotations which I need are somewhere among my papers here. I hoped to be able to find time to look them up and put my article in shape before this time. But alas! I have found myself hurried and flurried day after day, with one matter and another, and with never a chance to sit down calmly to literary work. Almost

tearfully I must reconcile myself to what seems inevitable, and let the essay 'go by the board.' I am as sorry for this outcome as you or any other person can be. I am sorry not to be able to honor myself by embodying an article of mine in your proceedings. I am sorry to lose the *éclat* which its publication in such distinguished company might give me. I am sorry, more than all, to be seemingly guilty of discourtesy toward your association and its individual members, for whom I feel so great respect, because of their high professional and personal standing, and towards whom I feel so warmly because of the warmth of their kindness to me. But I do not see what else I can do, wearied and worried as I am, than let my essay drop out, consoling myself, as best I may, with the reflection that 'it never will be missed.' I assure you that I deem your association worthy of every honor that it might be in my poor power to pay it."

TOPICS.

The topic committee submitted the following subjects:

1. Is the profession of shorthand deteriorating?
2. Difference in principles in Pitmanic systems of phonography.
3. The efficiency of shorthand schools.
4. Convention reporting — political, constitutional, etc.
5. Shorthand associations — national, state and local.
6. Official stenographers.
7. Should shorthand amanuenses be trained in public schools?
8. Are there too many stenographers?
9. The methods of work in a stenographer's office.
10. Court scenes and incidents.

The following meetings of the association have been held since the original call of August 18, 1876:

1. Syracuse, August 26, 1876.
2. Ithaca, August 20, 1877.
3. Rochester, August 21 and 22, 1878.
4. Saratoga Spa, August 20 and 21, 1879.
5. Syracuse, August 19 and 20, 1880.
6. Buffalo, August 24 and 25, 1881.
7. New York, August 1 and 2, 1882.
8. Watkins, August 21 and 22, 1883.
9. Laurel House, Greene County, August 19, 1884.
10. Niagara Falls, August 18 and 19, 1885.

11. Caldwell, August 17 and 18, 1886.
12. Alexandria Bay, August 16 and 17, 1887.
13. Caldwell, August 21 and 22, 1888.
14. Alexandria Bay, August 20 and 21, 1889.
15. Mountain House, Greene County, August 19 and 20, 1890.
16. Rochester, August 18 and 19, 1891.
17. Saratoga Spa, August 25 and 26, 1892.
18. Niagara Falls, August 24 and 25, 1893.
19. West Point, August 23 and 24, 1894.
20. New York, August 22 and 23, 1895.
21. Syracuse, August 27 and 28, 1896.
22. Ontario Beach, August 26 and 27, 1897.

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 1877-78 W. W. Osgoodby.
 1878-79 P. Deming.
 1879-80 S. O. Rodgers.
 1880-81 C. G. Tinsley.
 1881-82 Geo. H. Thornton.
 1882-83 Geo. R. Bishop.
 1883-84 Theo. C. Rose.
 1884-85 A. P. Little.
 1885-86 Wm. H. Slocum.
 1886-87 *W. O. Wyckoff.
 1887-88 E. B. Dickinson.
 1888-89 B. Moynahan.
 1889-90 Henry L. Beach.
 1890-91 Thos. R. Griffith.
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 1878-79 *William F. Duffield.
 1879-80 Theo. C. Rose.
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 1881-82 A. L. Woodward.
 1882-83 Thomas H. Griffith.
 1883-84 Herbert A. Briggs.
 1884-85 M. Jeanette Ballantyne.
 1885-86 Harvey Husted.
 1886-87 *Wm. S. Kershner, (Theo. C. Rose).
 1887-88 Theo. C. Rose.
 1888-89 Henry L. Beach.
 1889-90 *Mrs. E. F. Rowley.
 1890-91 Mrs. Clara A. White.
 1891-92 Irving C. Hutchins.
 1892-93 Wm. Loeb, Jr.
 1893-94 Etta A. Emens.
 1894-95 Kendrick C. Hill.
 1895-96 Kendrick C. Hill.
 1896-97 Kendrick C. Hill.
 1897-98 Kendrick C. Hill.

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 1893-98 Miss M. Jeanette Ballantyne.

*Deceased.

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Fifth District,	John C. Uhlein,	Watertown.
Sixth District,	Theo. C. Rose,	Elmira.
Seventh District,	Thomas R. Griffith,	Rochester.
Eighth District,	George H. Thornton,	Buffalo.

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ADMISSION OF NEW MEMBERS.

Henry L. Beach, Spencer C. Rodgers, Mrs. Clara A. White.

NOMINATION OF OFFICERS.

Spencer C. Rodgers, Thomas R. Griffith, Mrs. Clara A. White.

PLACE OF MEETING.

George H. Thornton, George W. Munson, Miss Lillian E. Agan.

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Norman P. Hefley, Miss Claribel Teller, George W. Munson.

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Spencer C. Rodgers, Miss Etta A. Emens, Kendrick C. Hill.

RESOLUTIONS ON DEATH OF MR. PORTER AND MRS. ROWLEY.
W. W. Osgoodby, Theo. C. Rose, Miss Claribel Teller.

LEGISLATION.

William Loeb, Jr., George H. Thornton, Theodore C. Rose.

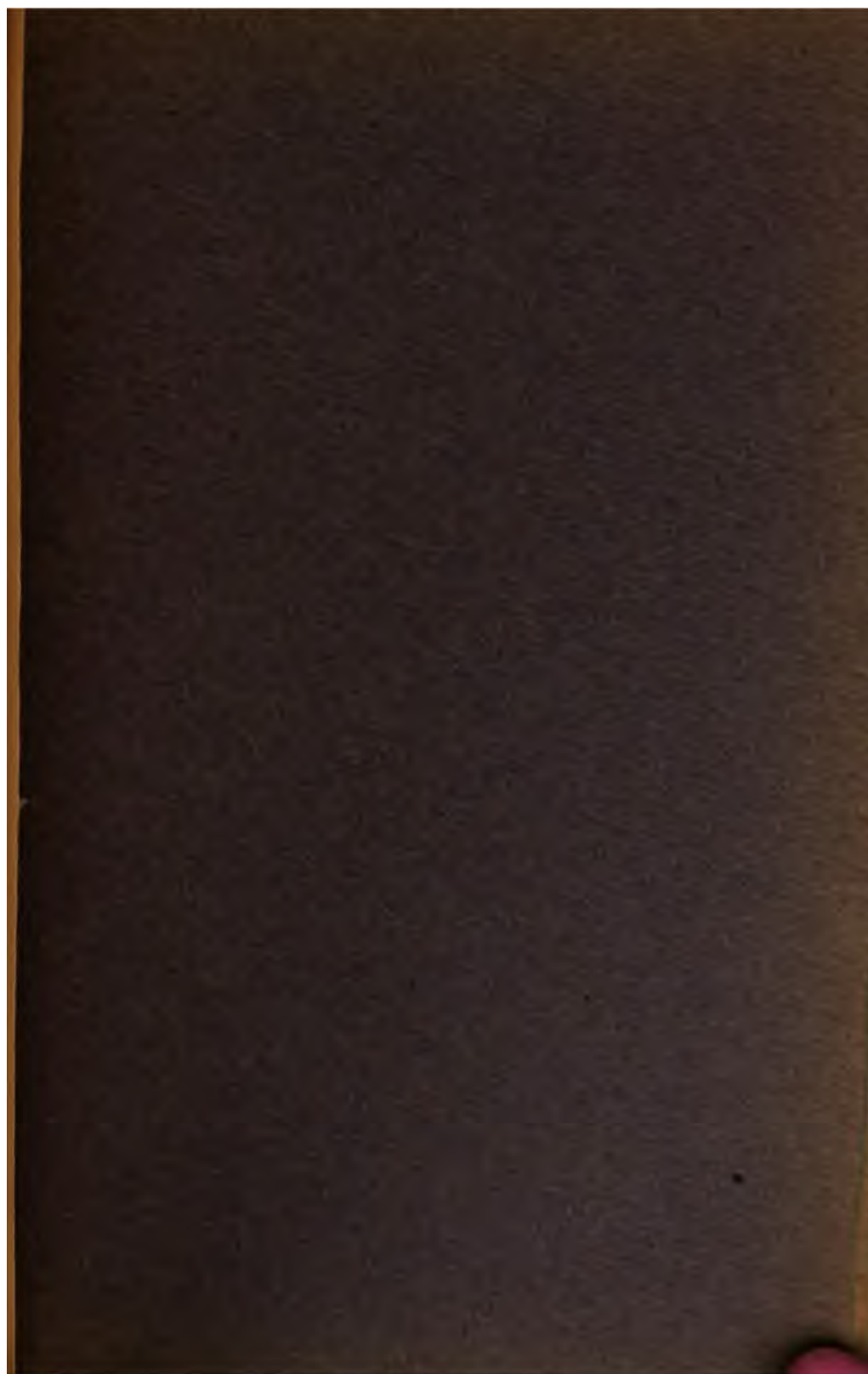
ACTIVE MEMBERS.

Agan, Lillian E.,	- - - - -	Penn Yan
Anderson, William	- - - - -	1169 Dean St., Brooklyn
Bailey, Charles H.,	- - - - -	Buffalo
Baker, Fred A.,	- - - - -	Criminal Court Building, New York
Balch, Charles W.,	- - - - -	99 Nassau St., New York
Ballantyne, M. Jeanette,	- - - - -	139 Bowers Building, Rochester
Barnum, Charles,	- - - - -	Monticello
Beach, Henry L.,	- - - - -	Binghamton
Beard, Frank S.,	- - - - -	Criminal Court Building, New York
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Cannon, Nellie,	- - - - -	Binghamton
Carey, John B.,	- - - - -	Room 25, Court House, Brooklyn
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Joyce, Charles J.,	- - - - -	Court House, Brooklyn
Kelly, John E.,	- - - - -	Tweddle Building, Albany
King, Charles F.,	- - - - -	134 Glen St., Glens Falls
Kirby, Helen E.,	- - - - -	Cortland
Law, Robert R.,	- - - - -	Cambridge
Little, A. P.,	- - - - -	409, 411, 413, 418 Powers Building, Rochester
Loeb, Jr., William,	- - - - -	452 Broadway, Albany
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McLoughlin, Peter P.,	- - - - -	150 Nassau St., New York
Martin, John F.,	- - - - -	Court House and 27 Pine St., New York
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Wright, William B.,	23 School St., Boston
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1898.

Albany, N. Y.



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PROCEEDINGS

of the

NEW YORK STATE

Stenographers' Association,

INCLUDING PAPERS READ,
DISCUSSIONS, ETC.,

at the

Twenty-third Annual Meeting,

held at

THE CAPITOL, ALBANY, N. Y.,

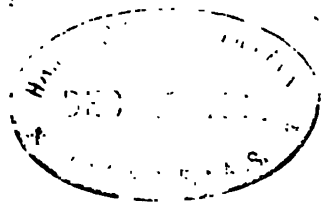
August 25 and 26, 1898.



ALBANY, N. Y.:

WEED-PARSONS PRINTING COMPANY, PRINTERS.

1898.



Administration

REPORTED BY ARTHUR B. DOCK, 8 BROAD ST., NEW YORK.

N. Y. S. S. A.

TWENTY-THIRD ANNUAL CONVENTION.

PROCEEDINGS.

The twenty-third annual meeting of the New York State Stenographers' Association was held in the Assembly Parlor of the new Capitol, Albany, N. Y., on Thursday and Friday, August 25 and 26, 1898.

The following persons were present:

ACTIVE MEMBERS.

BEACH, HENRY L.....	Binghamton.
BISHOP, GEORGE R.....	New York.
BRICE, DAVID N.....	Albany.
CHERRY, WILLIAM P.....	Brooklyn.
COOK, ARTHUR B.....	New York.
EMENS, MISS ETTA A.....	Rochester.
FITZGERALD, W. F.....	Schenectady.
GRIFFITH, THOMAS R.....	Rochester.
HEFFLEY, NORMAN P.....	Brooklyn.
HILL, KENDRICK C.....	Trenton, N. J.
KELLY, JOHN E.....	Troy.
KING, CHARLES F.....	Glens Falls.
LAW, ROBERT R.....	Cambridge.
LITTLE, ADELBERT P.....	Rochester.
LOEB, JR., WILLIAM.....	Albany.
LOEWENSTEIN, LOUIS.....	Troy.
McLOUGHLIN, PETER P.....	New York.
MARTIN, JOHN P.....	New York.

MURRAY, GEORGE A.....	Albany.
ORMSBY, SIDNEY C.....	New York.
RAWLE, JOSEPH N. B.....	Brooklyn.
RODGERS, SPENCER C.....	Troy.
ROSE, THEODORE C.....	Elmira.
RUSO, JAMES M.....	Albany.
SHALVEY, EDWARD J.....	New York.
SOULE, HERBERT C.....	Rochester.
THOMAS, WILLIAM M.....	Albany.
TOMBO, DR. RUDOLF.....	New York.
WALWORTH, GEORGE S.....	New York.
WOOD, HARRY W.....	New York.
WOODLE, LEOPOLD.....	New York.
WORTMAN, WILLIAM.....	Hudson.

HONORARY MEMBERS.

BEALE, CHARLES CURRIER.....	Boston.
BURBANK, MISS CORA ELISABETH.....	Boston.
BUTCHER, NELSON R.....	Toronto, Ont.
DEMMING, HENRY C.....	Harrisburg, Pa.
HEAD, ARTHUR.....	Towanda, Pa.
HORTON, ALBERT.....	Ottawa, Canada.
IRLAND, FRED.....	Washington, D. C.
SCHRADER, LOUIS E.....	Wheeling, W. Va.

MEMBERS OF THE ASSOCIATION OF LAW REPORTERS OF THE CITY OF NEW YORK.

EDWARD CARROLL, JR.,	MRS. JENNIE TURNER POWERS,
ARTHUR B. COOK,	H. S. VAN DEMARK,
GEORGE A. HAYNES,	W. VAN VALKENBURGH,
SIDNEY C. ORMSBY,	LEOPOLD WOODLE.

OTHERS IN ATTENDANCE.

F. M. J. Wood, S. G. Speir, H. N. Saxton, J. A. Fitzgerald, H. W. Hillman, Thomas A. McLoughlin, Miss Rose J. Mehan, Miss Jessie E. Holmes, Mrs. Law, Mrs. Beach, Mrs. Soule, Mrs. Irland, Mrs. Rose, Miss Alice Gallaway, Mrs. Fitzgerald, Mrs. Tombo, Mrs. Walworth, Mrs. Griffith, Messrs. Baker, Devine, Webber, and others whose names were not reported.

The sessions of the convention were attended by reporters of the local press, who presented their readers extended accounts of the proceedings.

FIRST SESSION.

On Thursday, August 25, at 12 M., President McLoughlin called the convention to order and addressed the same as follows:

Members of the State Stenographers' Association:

We should congratulate ourselves on the size of this gathering, one of the largest assemblages of shorthand writers that has come together at any time, in any place. This gratifying result is owing to the continuous and untiring work of your officers during the past year. Without intending to reflect, in the least, on any previous board of officers, we believe we have reason to feel proud of the result of our year's work. A convention composed as this is, of so many well-known and able stenographers, cannot fail to accomplish much for the general good of our profession. That ours is a profession no one will now deny. The importance of our work is appreciated even by the highest judicial authority in the state. To prove this let me quote from a comparatively recent decision of the court of appeals, commenting upon the work of stenographers in the trial courts. In discussing the point as to the necessity of having capital cases presented to them in the same way as civil cases, upon a settled case, they say:

"It is dangerous to permit an appeal, involving human life, to be heard upon a record, the correctness of which depends wholly upon the accuracy of a single official, working always rapidly, frequently under great difficulties, and sometimes in the midst of confusion, caused by the witness and both counsel speaking at the same time. It is no reflection upon the faithful body of men, who serve as stenographers in trial courts, to say that they cannot always be accurate, that they sometimes misunderstand the answers of witnesses, and fail to catch the exact words of the court in its rulings or charge. It is possible that a stenographer may be incompetent, or suffering from some ailment, temporary or permanent, that would prevent him from hearing accurately and recording literally what transpires at a trial. As the change of a single word may involve serious consequences, the propriety of requiring a case to be made and settled in the usual way is too obvious for discussion."

Some may regard that extract from an opinion of the court of appeals as a criticism of our work; but it really is a compliment, and an intelligent expression of the difficulties under which we continually labor. It is a pleasure to know that those difficulties, with which we are only too familiar, are appreciated by the judges in the highest court in the state.

A well-known member of the bar in a neighboring state, who had read a copy of our proceedings, was pleased to say:

"The advanced stenographer of to-day is something more than a mere writer; they take rank necessarily with the profes-

sions, since the all-round competent stenographer must of necessity be more widely read, and be possessed of more varied attainments, than are required to make a respectable and fairly successful showing in the practice of law itself."

An eminent professor of theology in one of our leading seminaries, to whom I had the pleasure of sending a copy of our proceedings of 1895, said in relation to Professor Hefley's scholarly paper on "Modern Shorthand: "

"That was, indeed, an excellent, a splendid essay. I confess I was not aware, or if so, had not reflected sufficiently on the vast benefits conferred on mankind by those who took down the great speeches, trials, etc. I often wondered how we get Emmet's gems of eloquence, but it seems very clear now that it is the stenographer's work. And Shakespeare's plays. The diversity of reading is now as clear as can be, for the stenographer could not always read his notes in crucial passages. You have indeed a learned, a noble and important profession, and a perfect right to blow your own horn, since the ignorant *vulgus* will else remain buried in darkness concerning one of its greatest benefactors."

Since our last convention the membership of this body has materially increased. In the effort to procure new blood care has been taken to guard against admitting any stenographer to our ranks who was not up to the standard required. When you did me the honor last year to elect me as your presiding officer, I said that I would do my utmost to bring together at Albany a gathering which would include every official stenographer in the state. Though they are not all present here, I take pleasure in informing you that, with some four exceptions, the membership roll of our association now includes all of the official stenographers in the supreme court of this state, the stenographers of the court of general sessions, New York, the stenographers of the city courts, and of many minor courts in the state.

An effort was made to procure a list of all official stenographers throughout the state, not only in the supreme court, but in all the minor courts. This has not been accomplished, mainly because of the failure of your officers to receive responses to letters addressed to the county court stenographer in each county. An accurate list of the supreme court reporters in all of the judicial districts of the state, also of the official stenographers in all the courts within Greater New York, has been prepared, and with your permission will be printed as part of our proceedings. A perusal of that list will show the immense growth of our profession since the last list, prepared by Mr. Rodgers, was published in our proceedings of 1879. In Greater New York alone there are 75 stenographers employed in courts of record and minor courts, and the aggregate amount of salaries paid to them is \$200,000 per annum.

During the past year several matters arose which proved the necessity of an organization of this kind. In the month of December information came from the chairman of the legislative committee to the President that the commissioners on statutory revision contemplated the presentation of a bill to the legislature amending the code relating to stenographers. This proposed bill radically changed the law as to the method of appointment, compensation and duties of official stenographers. Through the prompt action of a member of the executive committee, residing in New York, a meeting of the supreme court stenographers in New York city was immediately called. For the first time all of these gentlemen assembled in a meeting, and some of them had to be introduced to their brethren in the same court. A committee was appointed to come to Albany, and there act in conjunction with stenographers from various parts of the state. The meeting held in Albany on December 31 was a memorable one. The result of our concerted action, all brought about through the means of the state association, was that when the code amendments were finally presented to the legislature every feature to which the stenographers made objection was removed, and their suggestions were adopted in almost every instance. Things went so much our way that, had the bill passed finally, the salaries of the stenographers of the supreme court, in the first judicial district, would have been increased to \$3,000 each. This is what the salaries should be throughout the state, and an effort to bring about such a result should be made and vigorously pushed at the next session of the legislature. The stenographers of the city court of New York city, four in number, succeeded at the last session in having a bill passed raising their salaries to \$3,000. While we rejoice at their good fortune, the fact still remains that stenographers in two inferior courts are receiving more salary than the stenographers in the highest court in the state.

Under a section of the Greater New York charter the fees of stenographers in the municipal court in New York were reduced from ten to five cents per folio. Two gentlemen employed in these courts called my attention to it. A bill was drawn restoring the fees to ten cents, and a memorandum of facts to accompany it prepared. The bill was presented, but failed of passage owing to the lateness of its introduction. The stenographers of the municipal court expressed their warm thanks at the interest shown in their behalf by the state association, and as a result some eight or ten of them joined our ranks. At the next session of the legislature another effort should be made in this direction. There is no reason whatever why the fees of all court stenographers should not be made uniform throughout the state at ten cents a folio.

Since our last meeting there have been several deaths among us.

Edward F. Underhill, of New York, died in June last. He was for many years an honorary member of this association; in 1886 he became an active member, and remained so for a few years. He was the first official stenographer appointed in the state, was for more than thirty years the official stenographer in the surrogate's court, New York, and was regarded as one of the kings of our profession.

James H. Fish, concededly one of the most brilliant men who ever practiced the stenographic profession in New York city, and the author of a work on "Systematic Shorthand," died in the month of December, 1897. Mr. Fish was also an active member of our association, being elected in 1883, and serving during that year as a member of the executive committee. Fitting action should be taken on the death of these two stars of the stenographic firmament, even though they were not at the time of their demise active members among us.

While upon this subject I beg leave to acquaint you with the fact that in the month of November last a young man, who had for some years assisted officials in court work, and who had done a great deal of amanuensis work for them, died suddenly. His sudden taking off left his family unprovided for, and even without funds to meet expenses that were immediately necessary. Making inquiry, it was ascertained that the deceased was a member of the New York City Law Stenographers' Association, a body then recently formed. I took it upon myself, as President of this body, to send out a circular letter to the members of that association, informing them of the death and the circumstances of the family of their fellow-member. The response to the appeal was prompt and generous, and in my judgment proved beyond doubt that there is a brotherhood among stenographers. Sufficient money was raised within twenty-four hours to meet immediate expenses and to sustain the family for a time. For the response which the gentlemen comprising the New York City Law Stenographers' Association made to my appeal, I desire now to make this public acknowledgment, to thank them on behalf of the beneficiary, and to assure them that, starting their organization with such generous impulses, they cannot fail to achieve the highest success.

The present meeting promises to be an interesting one. A program has been prepared which cannot fail to elicit your attention. A committee is present from the New York City Law Stenographers' Association, the secretary of which is a member of our association. They have something of much importance to present for your consideration. They desire our co-operation in a matter on which this association is already on

record. In 1895 we appointed a committee to prepare a bill regulating the licensing of stenographers competent to do work before referees, etc. Considerable opposition developed at that time among stenographers, and the matter was postponed. The time seems now ripe for this step. The benefits to our profession by the passage of such a bill are many. It would establish the qualifications of competent stenographers, and give them a standing among the host of persons who profess, on insufficient grounds, to be classed among the members of the profession. It would prevent the annoyance experienced by lawyers who are compelled frequently to proceed in taking testimony with untrained office stenographers, who delay the sessions and incorrectly report the proceedings. It would be of great pecuniary benefit to competent stenographers, as it would keep out of the hands of those who are not qualified a remunerative part of the stenographic business. I ask for this committee a patient hearing. If possible we should act in conjunction with them in their effort to elevate the dignity of our calling.

In the work I have done during the past year I have only endeavored to emulate, in a small way, the example of tireless energy set by our worthy secretary. No association ever had a more efficient and faithful officer than Kendrick C. Hill. To him more than to any other one man is due the prosperous and healthy condition of this organization. We all congratulate him on his recent elevation to an important post in the government service, and we sincerely hope that, even with his new duties, he will still continue his active interest in this association and its members.

What I have said has been more in the nature of a report of what has been done by your officers during the past year than an address. If the little I have done meets with your approval, and if it has been helpful to our cause in the slightest degree, I am more than compensated for the time I have spent in working for what I conceived to be the best interests of the stenographers of New York state.

Mr. D. N. BRICE, of Albany, welcomed the convention as follows:

Mr. President and Fellow-Members of the State Stenographers' Association:

The lot has fallen to me of extending, on behalf of the local stenographers, a welcome to you all to our city. It had been our intention and hope that his honor the mayor would be here to welcome you and extend to you in his official capacity the freedom of the city and its key, which I know he would be glad to do were it not that he is at present away on his vacation. The only reason I can perceive in my selection for this pleasant

duty is that I am in his office. I could not convince my fellow-associates here that the fact that I am an indifferent speaker more than counterbalanced that when they stunned me about an hour ago by announcing to me what I was expected to do. It is a matter of regret to all of us that Mayor Van Alstyne is not here, as this is a duty with which he is thoroughly at home, and it is always a pleasure to listen to an address from him.

This is the first time our convention has been held in this city. This appears rather strange. It would seem that a body of men who are having statutes hurled at them all the time should come oftener to the fountain-head of all state law. However, we have you here now, and I think the safest thing for me to do, as I have had no time to make any preparation whatever, is to content myself with extending to you all, on behalf of the stenographers of the city and its citizens generally, a most cordial welcome to this ancient burgh, and the hope that you will all enjoy your stay amongst us.

President McLoughlin called on Mr. Bishop, of New York, to respond on behalf of the association.

Mr. BISHOP said:

Mr. Brice, Ladies and Gentlemen:

This call certainly surprises me. I confess to some astonishment at being called on at this time, without previous warning, to respond, however informally, for the association, to the courteous remarks which the gentleman from the office of the mayor of this municipality has addressed to us. Some claim that they are so constituted mentally that they are never surprised. I confess that this call not only surprises me, but comes in the nature of a veritable shock. Two years ago, at Syracuse, I had about three minutes' warning when subjected to a similar call. On this occasion I have had none. And this has taken place when I am perfectly confident that the president of the association could respond in language that would thrill this entire company, from the secretary at his right hand to him who sits at the most remote corner of this room. But I shall not decline. No stenographer of reputation should even know how to decline the performance of any function that may be fairly or authoritatively imposed upon him.

Obviously the first thing to be said is that it seems eminently fitting that this body should hold an annual meeting occasionally in the city of Albany — and for various reasons. First, it is the capital of the state that was the first of any in the Union to recognize, by actual legislation, the indispensability of the stenographer as an aid in facilitating and accelerating legal proceedings and in securing an accuracy in the making of the reports of such proceedings previously attainable only by a very

tedious process; and secondly, it is a pleasure to those of us who know the stenographers residing in this judicial district well, to meet under their genial and at the same time business-like auspices, especially when, as on the present occasion, we are, through their efforts, accorded the privilege of meeting in a room of this stately pile — the first privilege of the kind, I am told, that has been accorded to any association that did not meet under strictly state auspices. But that strikes me as also an entirely appropriate thing, for the stenographer has not only intimate relations officially with the courts of the state, but also with its legislative houses. I do not know that any member of the legislature would as cordially acknowledge the value of the stenographic service to the members as a member of the national house of representatives did the services of the official corps of that body, not many years ago. He appreciated that in all the tumult and confusion of debate there was a hand that was making note of what was said, that hand guided by a brain that could untangle labyrinthine threads of discourse, evoke order from the apparent confusion, and make a record that would exhibit the proceedings in methodical and symmetrical order; and he declared, in substance, that the stenographers of that body upheld the dignity of congress and contributed indispensably to the reputations of the members thereof. To be sure, the labors of the stenographers of the two branches of our legislature are concerned mainly in making the records of the various committees, not so much in reporting the speeches made in either house; but they are ready, on occasion, to perform the latter function and to exhibit the speeches not only without distorting their meaning, but bringing out that meaning more clearly and imparting a symmetry and smoothness which the speeches themselves as delivered failed to show. Hence I say it is entirely appropriate that we should receive the courtesy of being permitted to use this room, which I understand to be one especially belonging to the more popular branch — the assembly.

Personally, I never had much experience with legislators; but I remember coming to this city once, early in 1864, with a large roll of stenographic record, and calling, early one morning, at Congress Hall, to see two gentlemen interested in a particular investigation, one of those gentlemen subsequently, and possibly then, the president of one of our principal New York city trust companies, the other afterwards president of one of our great railroad companies and a son-in-law of the great commodore; and of being received, in the parlor which was common to both of their rooms, by each of them in his night-shirt. And I remember another incident of that visit. A very fiery senator from New York city, one of whose arguments

I had begun my career as a law stenographer by reporting, or trying to report—for I believe this first effort was not quite successful—had gotten into a wrangle with an up-country senator, and had struck that senator, on the floor of the senate. While I was sitting in the senate this representative from my city made a speech apologizing for his conduct—though his apology was not very apologetic; it was a rather fiery vindication of himself, charging that his provocation had been great. He afterwards expressed his regret to me that I had not reported that speech. I did not express to him my very extreme delight that I had omitted or missed that luxury, but that was exactly the way I felt, for it would have been extremely difficult to get a *verbatim* report of it, and I was entirely satisfied that such a report would have fallen very far short of satisfying the honorable senator. I have an impression that at that time the senate had a stenographer, but of course his work was mainly with the committees, and happily for himself, he was not present to undertake the reporting of the speech. It is my remembrance that that was the winter during which our friend Underhill was clerk of the assembly. Possibly Rodgers may remember, for he is now old enough so that, as Lowell said of Dr. Holmes, he seems to have gone out into a snow storm and forgotten to put on his hat—and that, by the way, seems also to have been the case with our friend Rose, by whom it was my high satisfaction to be succeeded on each of the two occasions when I retired from the presidential office with which this association had honored me. There is no time now, I feel, to touch on the numerous reminiscences that come thronging upon me as I revert to these old-time matters. Possibly I may do so when, at a later hour, we come to speak more specifically of our friend Underhill. He was—if you will permit me a moment in which to say it—the central stenographic figure in our state. You all know why he was such. I do not think he was one of our most expert shorthand writers, merely as a writer of shorthand, but he was possessed of great public spirit; he took an enthusiastic interest in our profession, and did everything he could to secure it the recognition it deserved and to forward its interests. It is wholly needless for me to repeat, even in the most summary way, the history of the legislation of this state creating the official stenographer—legislation that Underhill secured the adoption of. I think he never achieved quite the success in that line that is said to have been attained in Pennsylvania, the state from which our friend Head comes, for it is said that when their first stenographic legislation was had, and it became the duty of one of the judges to swear in the new official, he attempted to “swear” him, as his oath of office,

that the testimony which he should report should be the truth, the whole truth and nothing but the truth, so help him God! But Underhill achieved great success in the matter which he undertook, and all our judges seemed to appreciate the limitations, as well as the advantages, of the stenographic auxiliary.

I observe we are especially fortunate this morning in the visitors we have with us. As I glance across the room I see not only my friend Butcher, whom it was my great pleasure this morning to take by the hand, but another Canadian, also well known among us, Mr. Albert Horton, resident in Toronto, but making a reportorial pilgrimage each year to Ottawa, where as one of the official corps of the Dominion house of commons he helps to do what our Washington friends do for us on this side the lakes, perpetuate for history the debates in the national parliament. I have not grasped his hand as yet, but I shall lose no time in doing so, as soon as this rather perfunctory, and I fear quite unsuccessful, responsive performance shall have been concluded. To all those who have come from other states to be with us I know we extend most heartfelt greeting, and I feel justified, in these introductory remarks, in so expressing the sentiments of our association.

I do not conceive it to be my duty to further extend these responsive utterances. In the name of the association I thank the gentleman who has so cordially greeted us, and I cannot help coupling with his name the names of the half-dozen stenographers of the third judicial district, whether their duties have been in court or legislature, who have devoted themselves so assiduously and successfully to the perfecting of the arrangements for this annual meeting.

From about one hundred letters received the subjoined are selected:

STATE OF NEW YORK, EXECUTIVE CHAMBER.

ALBANY, *August 12, 1898.*

MY DEAR RODGERS. — I have received your kind invitation dated August 10th. I hope to get a short vacation soon, and shall probably not be in the city at the date of the stenographers' annual meeting. For that reason I shall be unable to accept your invitation. I appreciate your courtesy in extending it, however, and I wish you would accept for yourself and your associates my very kind regards.

I am, very sincerely yours,

FRANK S. BLACK.

SUPREME COURT, JUDGES' CHAMBERS.

KINGSTON.

Much to my regret the pressure of my engagements is of such a character as to deprive me of the pleasure of accepting your invitation. Stenographers are so essential a part of the process

for the administration of justice as to make the relations between them and the judges of the courts of the most important character; and so far as my experience goes, they entirely deserve the confidence reposed in them.

Kindly present my regards to the members of your association, with my best wishes for their success and happiness.

A. T. CLEARWATER.

ALBANY.

I should be very glad to attend your meeting, and will do so if I can, but it now seems likely that I shall be absent from Albany at that time. Please extend to the members of the association my best wishes for their professional and personal prosperity.

CHARLES Z. LINCOLN,

Statutory Revision Com'r.

SURBITON, ENG.

When I tell you that I am now writing in bed, where I have been confined for some months with serious illness, you will understand why I am unable to comply with the request contained in your letter of the 11th inst. I can write but little, and then only in intervals between frequent attacks of acute pain. Will you kindly present my salutations to my fellow-members at the forthcoming meeting, and say how greatly I have been interested in reading the records of the gatherings from year to year.

THOMAS A. REED.

PRINEVILLE, ORE.

DEAR BROTHERS. — You may be gifted with a large and sprightly imagination, but it could no more reach out and grasp the delight it would give me to be one of you than a pine needle could sew a rent in the canopy of heaven. And then to think that you are to meet at my old stamping ground, the scene of my first failures and spanned by the dawn of my glorious successes. Lord, how I would like to see dear old Philander Deming and his glass-enclosed typewriter, and Ruso, and Judge McNamara struggling over the pothooks as of yore. And I'd take a skip up to old Ilium to grasp Rodgers by his tried and tired hand. But these things cannot be. I am on duty, inspecting my road, 487 miles of the W. V. & C. M. W. road, from Albany (or) to the eastern boundary of the state. I have with me four horses, a cook, a driver and a spell of weather as hot as the squeeze of a monkey-wrench. By the time I get through you will be through. It makes me swear like everything and Bob Evans to think I can't be with you. I wouldn't ask them to "Put me off at Buffalo;" I'd go right through. If the old capitol still stood I'd take you into it and show you where I had my baptism of fire. I'd take you into the council chamber and show you where I was fired from because I reported English as she spoke there by Barney Reynolds, O'Kean, Mulville, Cahill, Kearney, and John McCall's papa. And then I'd have to show you the newspaper office for which I reported one of poor Anna Dickinson's lectures, wherein, describing her style, I wrote she was "caustic," but they set it up "caustive." That edition of the paper was suppressed, of course. No, be good; do some first-class legislation. "Don't forget the Maine."

Sincerely,

R. W. MITCHELL.

SAN JOSE, CAL.

I regret that my duties here and the trifling distance of some 4,000 miles compel me to forego the pleasure of being with you. Your association has stood the test of time. For almost a quarter of a century it has been a beacon light to stenographers outside of the Empire State who have hoped for organizations of like character within their own states. Our best argument to those who doubt the utility of organization has been that New York has an association of stenographers that has weathered the apathy of the profession to uniting into such bodies, and is growing in strength as the years go by. The keynote of professional advancement is organization. When stenographers generally recognize this fact they will have their energies directed toward the end to which you are working. The awakening is coming, and let each do his duty to arouse the sleeping. Do what you can toward the end of a national association before you adjourn. We trust that some day in the near future California will have the pleasure of inviting you out to participate at the convention of its state stenographers' association.

L. E. BONTZ.

CHICAGO.

I send herewith my paper, entitled "Some Phases of Medical Reporting." I regret to say that I shall not be present to read it myself, on account of unexpected professional work conflicting with the date of your meeting, and I must trespass upon your good nature by asking you to read it for me. The paper is somewhat lengthy, and you can omit any or all of that part of the paper which deals with the classification of speakers. The most practical part of my contribution, and the one which I think will interest the members, is that relating to intersections in medical reporting, and when that part of the paper is reached, in order that the members may understand clearly what I am talking about, I have illustrated this principle of intersection by rough and rather crude diagrammatic examples on large sheets of paper, which can be seen at a distance in any good-sized room.

When I received and accepted your kind invitation to attend your forthcoming meeting I looked forward with pleasurable anticipation of meeting you and of taking a small part in the deliberations of your association, which I think has done more for the advancement of shorthand in this country than any other similar body. I congratulate the association on the excellent work it has done and is doing. I have read the various papers that have appeared in your transactions from year to year with great zest and profit, and I hope the good work will continue.

Hope you will have a well-attended meeting, good papers, profitable and spirited discussions, and regret that I cannot be with you in person.

WM. WHITFORD.

TORONTO.

I would much like to be with the New York association at its gathering. We are now under two flags, but we have but one heart. There be some who think that something worse might happen than that one flag should wave over the whole grand North American continent. What flag that should be we may

not now name, but as it would float over a free and united people it would be a grand flag to live under, yea, and even to die for. Kindly say to the friends that I send them my benediction.

THOS. MCGILLICUDDY.

WALTER'S PARK, PA.

Accept my sincere thanks for your invitation to attend the meeting of the association, which, however, I am unable to accept. Doubtless all present will derive the pleasure and profit which have always attended meetings of your association. I greatly enjoyed reading the papers published in the association's report for 1897. Of course, I have great satisfaction in the knowledge that Messrs. McLoughlin and Morrison, whom I assisted in shaping into stenographic form in their younger days, are members of your organization, and that, in accordance with the principles of Burnz fonic shorthand, they so use its in-hook and second shun-hook that in *their* notes "anti-suffragists" will never be confounded with "naughty suffragists," nor an "action" for trespass be converted into an "occasion" for trespass.

May peace, prosperity and lots of fun attend your gathering.

ELIZA B. BURNZ.

JOHNSTOWN, N. Y.

In my opinion, no subject will come before the convention of equal importance to that of "Licensing Law Stenographers." While law stenographers are made to feel, *financially*, the effect of employment of incompetents to report judicial proceedings, the lawyer-stenographers (to which class I belong) keenly feel the *danger* which threatens his *success* and his clients' *interest*. While the system of official judicial reporting in New York state is pretty well regulated, the entire lack of system of non-official reporting is a crying shame. Judges and lawyers have no approximate conception of the qualifications necessary to make a competent law stenographer. Lawyer-stenographers have an exact idea of the subject. When opposing attorneys and a referee suggest an incompetent stenographer, the lawyer-stenographer is placed in the peculiar position of either pointing out the fact of incompetency or naming a person of demonstrated ability. If the latter be done the cry is raised, "He is too high in price!" Under existing conditions the only parry with which to meet this thrust is to reply: "Well, a competent law stenographer cannot be secured for less than \$10 a day and transcript fees, and the work is well worth the price." Usually the cheap Johns carry the day, and there follow all the ills which have been so frequently described. Now reverse this: Enact a statute regulating the licensing and employment of law stenographers; make it possible for an attorney to object to an incompetent by merely inquiring whether he or she is licensed. Such a law need not prevent the employment of competent unlicensed law stenographers. By express consent of all parties to a judicial proceeding the license requirement might be waived. But an incompetent could not then be thrust unwillingly upon an attorney. I sincerely hope that the association will distinguish itself by some definite action on this subject. Justice, right and everything that appeals to our sense of fair dealing demands it.

H. W. THORNE.

WEST POINT, PROVINCE OF ONTARIO.

I observe that among the subjects to be discussed at your meeting is "The Licensing of Law Stenographers." I believe that a delegate from our association, the Chartered Stenographers of Ontario, will be present at your convention, and we shall await with interest his report of your deliberations on that subject. Our charter, unfortunately, is chiefly ornamental, conferring no privileges of value upon us, and placing no restrictions on stenographers outside our association. We have always hoped at some time to secure an enlargement of the scope of our charter, but there is here a very strong feeling in the legislature against creating anything bordering on close corporations, and the treatment of kindred bodies, for instance, the architects, who have made application for wider powers, has been somewhat discouraging. We shall therefore be greatly interested in any efforts made by your association in the direction indicated, which may result in a precedent which we may use to advantage.

H. J. EMERSON.

TORONTO.

I notice that important matters will be discussed at this convention, especially "Civil Service Examinations" and the "Licensing of Law Stenographers," two subjects I consider of great importance, and which should be thoroughly discussed by those present who are interested in placing shorthand to the forefront of its proper sphere to which it belongs. I think it is about time that the shorthand writers of the United States, Canada, as well as other English-speaking countries, tried to adopt some means in their respective countries to place shorthand reporting upon a far better footing than it is at the present time. A good many people, and some pretty well educated, think that shorthand writers are mere machines, but those who are engaged in it professionally know that a machine writer never succeeds in pleasing those for whom he or she does work, therefore it is the duty of stenographers to place before the people the idea that to be a good stenographer requires far more skill and ability than many a recognized profession practiced in our midst to-day. May your gathering at Albany be the forerunner of good results for the stenographers of the state of New York. Let determination and unity be your motto, and success will meet your efforts in trying to accomplish something for the benefit of those engaged in stenography for a livelihood.

Very respectfully,

HENRY T. SMITH.

NEW YORK.

I may venture to make a few suggestions with reference to the subject of licensing stenographers, a subject which is agitating quite a number of stenographers in this city. I have been a stenographer in active practice for more than twenty-five years, though I have not taken a very active part in this matter because I have felt that it was a very dangerous subject to touch. I believe that this question of licensing law stenographers would never have been suggested had it not been that for the last year or two business has been quite dull, and that dullness has been attributed to the fact that so many people were writing shorthand that it diverted the stenographic busi-

ness from those who were in active practice as public stenographers to those who occupied clerical positions. To some extent this might be true, but not to such an extent as would justify us in taking such an important step as to seek legislation. In my opinion, it is too dangerous to make any attempt in that direction, for the reason that the legislature is composed largely of lawyers, and the moment they are asked to pass an act, the effect of which will be to decrease the value of their office stenographers, they will tack on the end of any such act a clause which will fix the amount we will be allowed to charge, which I believe would be much less than the present rate. For that reason I am opposed to all legislation. Lawyers themselves, throughout the state, are suffering from lack of business, and this accounts for the scarcity of stenographic business, and if the business of the country generally was as good to-day as it was two years ago there is not a stenographer who would bother himself about legislation. My advice is not to "monkey with the buzz saw."

A. F. DAWSON.

NATIONAL ASSOCIATION OF WOMEN STENOGRAPHERS.

CHICAGO.

Having heard of your approaching convention from our mutual friend, Dr. Rudolph Tombo, I write to inquire if some plan of co-operation in the work of dignifying our profession can be adopted at this time. In our opinion, so much more can be accomplished by working together than by depending upon a division of effort.

We have been inquiring into the methods of the principal shorthand schools, hoping some plan might be evolved by which the ranks of incompetents might be reduced, and in behalf of our organization I ask that the matter may be considered at your convention. What do you think can be done in your own state? Should we attempt to obtain legislation in the matter? If so, what? Is there any reason why the profession of stenography should not be subject to the same restrictions that govern the practice of law? What, in the opinion of your convention, are the most important steps to be taken toward raising the standard of our profession? What can we do to discourage the mentally unequipped from entering the profession?

My time is too limited to go into the matter as I should like to, but I hope you will agree to co-operate with us in this work and consider the matter very fully at your convention.

GERTRUDE BEEKS,

President Nat'l Association Women Stenographers.

CHICAGO.

We in Chicago are in a very bad way, stenographically speaking. The law reporters have practically no work except in court, and that is gradually but surely taken away by office stenographers. We have a poorly drawn official law, under which appointments may be made at the option of each judge. One appointment has been made. There is dissatisfaction on every hand with this action, except on the part of the judge and the appointee. So far all the other judges have refused to

act in the matter. An examination and license would be a good thing, but it is doubtful if a proper law can be obtained.

In general the outlook is discouraging. With good times perhaps it will improve. A proper official law would be a god-send for us.

J. L. BENNETT.

DENVER, COLORADO.

The subject of licensing law stenographers is of great importance, and the action of the convention thereon will have a great influence on the future of our profession. For the injury now suffered by us from the already vast and ever-increasing army of incompetent, half-trained stenographers (shorthand writers, I should say, for they certainly are not *stenographers*;) we can all of us doubtless suggest innumerable remedies which may seem perfect in theory, but woeful failures in practice. But no doubt the convention will, after due and careful consideration of this important question, arrive at a satisfactory determination of how this can best be accomplished.

JAMES M. PALMER.

NEW YORK.

I was one of the committee which worked on the proposed bill, and I am strongly in favor of every one of its provisions. I believe, if we succeed in getting this bill through the legislature, and the consequent sifting from our ranks of incompetent shorthand writers takes place, as it surely must, that the term "stenographer," or "shorthand reporter," will in time become a title of which we may all be proud, instead of a stigma, as it has become during the last few years under the present system of political appointments for stenographers, regardless of ability.

ELSIE BARKER GAY.

The following were proposed for active membership in the association: James A. Donnelly, New York; Alvin E. Mambert, Troy; Herbert L. Murdock, Elmira; W. W. Nichols, Jr., Plattsburg; Miss Marie A. Wilson, New York; William Wortman, Hudson.

For honorary membership: Charles Currier Beale, Boston; Miss Cora Elisabeth Burbank, Boston; Mrs. Eliza B. Burnz, New York; Albert Horton, Ottawa, Canada; E. V. Murphy, Washington, D. C.; Louis E. Schrader, Wheeling, W. Va.; Reuel Small, Washington, D. C.; Dr. William Whitford, Chicago.

Mr. Bishop moved, as to those named for active membership, that the usual course be taken. Carried.

The Secretary presented the resignation of W. Newton Bird, of Floral Park, which was accepted.

The Secretary-Treasurer presented the following report:

To the Officers and Members of The New York State Stenographers' Association:

Herewith I beg to submit my fourth and last annual report as Secretary-Treasurer of this association:

TREASURER'S REPORT.

RECEIPTS.

Balance on hand August 26, 1897.....	\$58 45
Dues of 77 active members for 1897-8 at \$3....	231 00
Dues of 28 active members for 1897-8 at \$2....	56 00
Dues of 1 active member for 1896-7 at \$3....	3 00
Donation from A. L. Woodward.....	3 00
Miscellaneous sale of proceedings.....	6 39
	<hr/> \$357 94

1897.

EXPENDITURES.

Oct. 1,300 letter-heads.....	\$8 25
“ Reporting proceedings.....	30 00
Dec. Expressage on proceedings from Rochester and Albany.....	1 05
“ 150 parcel envelopes.....	1 13
“ Miss M. J. Ballantyne, postage.....	10 00

1898.

Jan. Weed-Parsons Printing Company, publishing 800 copies of 1897 proceedings..	130 00
“ Librarian's dues remitted.....	3 00
“ P. P. McLoughlin, postage.....	10 00
Feb. 500 letterheads for the President.....	4 00
July. Expressage and postage.....	9 00
Aug. Printing	6 25
“ Postage on proceedings and in correspondence for the year, etc.....	38 24
	<hr/> 250 92
Balance in Treasurer's hands.....	\$106 92
Balance in Librarian's hands.....	5 86
	<hr/>
Total balance cash on hand.....	<hr/> \$112 78 <hr/>

SECRETARY'S REPORT.

ACTIVE MEMBERSHIP OF THE ASSOCIATION.

Total number active members enrolled.....	122
Total number of paid members.....	105
Total number of members who have not remitted dues.....	13
Members elected by Executive Committee this month, who have not paid any dues, and may be regarded as exempt from dues for year 1897-8.....	4
	<hr/>

This exhibit of the numerical strength of the association at the present time speaks for itself.

Being no longer either a working or a resident citizen of the "Empire State," I am not eligible for re-election to the office I now hold, even should some of you be kindly disposed to think of me in that regard.

During the period that I have served this organization as one of its officers there has been bestowed upon me by its many distinguished leaders unlimited range of action and apparently unbounded confidence; and, in spite of the time and labor involved in performing aright the duties of this office, I relinquish them with great regret, for I fear it will practically sever my shorthand connection with you people, whom I so highly esteem and whose friendship I so much value.

I performed a long and arduous service as a shorthand slave, but I am no longer the victim of its daily dreadful drudgery. I am no more in love with the hard labor it rigorously enjoins than you are, but it bred to the bone in me a sympathy for the profession which time cannot eradicate; and I would not have you believe me to be at any future time a back number in shorthand matters, for my interest in the cause will not wane, my exalted opinion of the worth and ability of the court reporting fraternity will remain undimmed, my esteem for you all will continue to the end, while "the odor and bloom" of these conventions will "cling round my heart forever."

KENDRICK C. HILL, *Secretary-Treasurer*.

TRENTON, N. J., *August 24, 1898.*

Mr. George R. Bishop moved that the whole report be approved, accepted and adopted, the motion being seconded and carried.

The Librarian reported as follows:

REPORT OF LIBRARIAN.

"Again the silent wheels of time,
'Heir annual round has driven."

Since our last meeting a year well laden with memorable events has passed into the annals of history. The call to arms, the marching of troops, the din of battle, the complete victory over the enemy and the declaration of peace have resounded throughout the length and breadth of our own glorious America, while to-day the "Stars and Stripes" wave in triumph over our newly-acquired possessions.

"Forever float that standard sheet!
Where breathes the foe but falls before us,
With freedom's soil beneath our feet,
And freedom's banner streaming o'er us."

The Librarian begs leave to report as follows: She has received from the printing committee 310 copies of the proceedings of 1897; she has reserved two copies for the New York State Stenographers' Association library, mailed one copy to the

congressional library, and the New York state library has received a copy at the hands of the printing committee; she has mailed and delivered 305 copies and has two copies still in her possession, the balance of the 800 copies remaining in the hands of the committee, and subject to order.

To Mr. J. Garlick, of New South Wales, Australia, she has sent copies of proceedings of the association commencing from 1879 to 1886. He writes that the papers will be of great value to him. By invitation he has promised to prepare a paper on "Shorthand in Australia" to be read at the next annual meeting of the association.

The visitors the past year to the library were as follows: Buffalo, Dr. Benjamin W. Reidshaw; Elmira, Miss Sarah A. Moore; New York, Mr. T. E. Crossman, Mr. Kendrick C. Hill and wife, Mr. Peter P. McLoughlin and wife, and Mr. John P. Martin; Rochester, one constant visitor, Miss M. Jeanette Ballantyne, the Misses Emens, Messrs. Griffith, Hutchins, Little, Munson, Osgoodby and Soule; Seneca Falls, Miss Claribel Teller; Towanda, Pa., Mr. Arthur Head.

Additions to the Library: Received of Mr. G. R. Bishop, New York, proof-sheets of a paper of Mr. D. N. Pal, printed in India. From Prof. Julius W. Zeibig, Dresden, Germany, copy of "Die Stenographiessysteme von Gabelsberger und Stolze-Schrey (sog. Einigungssysteme.)" From Miss Genevieve Lel Hawley, Rochester, *Phonographic Magazine* for January, 1898, and *The Student's Journal* for January and February, 1898. From Miss M. Jeanette Ballantyne, Rochester, calendar of the "Ladies' Scottish Club" for 1898-9.

EXPENDITURES.

Postage, express charges, envelopes, wrapping paper, twine.....	\$18 33
Librarian's dues.....	3 00
Postage on proceedings from members on list last published.....	20
	<hr/> \$21 53

CREDITS.

From Kendrick C. Hill.....	\$10 00
Sale of proceedings for 1897.....	1 50
Librarian's dues remitted by Executive Committee	3 00
J. Garlick, New South Wales, Australia, proceedings of 1879, 1881, 1884, 1886.....	3 00
Balance remaining in Librarian's hands from 1897	9 69
	<hr/> \$27 19
Balance remaining in hands of Librarian....	<hr/> \$5 86

In closing her report the Librarian would suggest that the members of the association take into consideration the feasibility of reprinting some of the proceedings of the earlier years, so that she might be able to furnish complete files of the proceedings of the association to date. She thinks that it would be money well expended even though they were reprinted in condensed form. Faithfully submitted,

M. JEANETTE BALLANTYNE,

Dated ROCHESTER, N. Y., *August 24, 1898.* *Librarian.*

On motion the report was accepted and adopted.

The following paper was read by Mr. Rose:

A MUCH-NEEDED REFORM.

BY THEODORE C. ROSE, OF ELMIRA.

When that distinguished statesman in the congress of the United States, pausing in his speech, exclaimed, "Where am I at?" he not only expressed an inquiry of the moment, but he coined a phrase, and expressed in brief if not in elegant language an inquiry that it were well for us all occasionally to apply to our own affairs. The sailor on the blue waters of old ocean pauses at each noontide to take his bearings, and to ascertain where he is at, not alone for the gratification of knowing his present position, and how far he has sailed, but for the more important purpose that he may shape his course and avoid the shoals and rocks that may lie in his onward path and threaten him with danger. And in almost all fields of enterprise it has come to be the custom to make a general survey at least once a year for a like purpose.

In the field of law reporting also, it will be well if we pause for a moment and inquire where we are at, and determine what our needs are, and what shall be the future course best for us to adopt; and in these few suggestions I shall have that purpose in view, although my principal object shall be to call attention to a much needed and greatly desired reform.

In taking observations upon these points, and a survey of the field, it has seemed to me that we, as a profession, have for years been drifting and simply endeavoring to keep clear of obstruction; that our course has been one of timidity and dependence. While other professions have been organizing for the purpose of securing needed reforms, and fortifying themselves against those who would enter their ranks by other than a duly prescribed course of study and preparation, we have been inactive and careless as to our duty — floating along indifferent to our own interests, and unmindful of our future welfare. This timidity and lack of independence may perhaps be attributed to

our youth and inexperience, but now, having struggled through the various periods of growth and having at last attained our majority, ought we not to be a little more aggressive, and assert ourselves a little more positively than we heretofore have done; and ought we not to attempt a few reforms that shall make our work still more effective and valuable. Doctors, dentists, lawyers and even our modest friends the plumbers, in whose relation to the public there can be no greater need of legislation than that of law stenographers, have secured necessary safeguards and regulations, and why should we not place ourselves in a similar position?

A few years ago it was thought by some that our right to exist was more a matter of permission and sufferance than an absolute right, and when one of our members suggested to a lawyer friend the idea of a little legislation for our benefit he was met with the answer, "You better keep quiet; keep right on milking, and don't tickle the cow." It was sought to create an impression that the employment of stenographers in our courts was temporary and of trifling importance, and that whatever was paid them was more in the nature of a gratuity liable to be withheld at any time than as well-merited reward for honest, beneficial work. Some of our legal friends even claimed that stenographic reporting was simply mechanical and required mere quickness of motion and expertness in the manipulation of the pen; that all one had to do was just to *sit there and write*. But those days are gone, and at the present time those ideas do not prevail to any noticeable extent. With many other erroneous and old-fogy notions that have existed within our recollection they have quietly passed away, and stenographic law reporting is to-day recognized by our courts and by the public as one of the most useful and indispensable occupations.

It was not the intention of our courts to employ stenographers simply as ornaments, nor were they employed for the purpose of bearing the responsibility for the misconduct or shortcomings of the legal profession. They were employed as a matter of economy and safety. That was the purpose then; it is the purpose now. But to-day very much of the advantage gained by such employment is lost by the dilatoriness and the careless, indifferent and profuse manner of conducting the trial of cases into which our legal friends have drifted and are still further drifting.

It was stated thirty years ago that the average rate of English speech was 125 words per minute, but I do not think that any one to-day would place the average in our courts at less than 150. In the old days, when the lawyer kept his minutes in long hand, he acquired a habit of using words sparingly. He came to know the value of words, and used them for the expressing

of ideas, and not simply to create a volume of sound. But the old practitioner has passed away, and his place is now occupied by the modern lawyer, who never has had this training, a training that teaches one to weigh one's words, and teaches how to use them effectively. The lawyer of to-day is a perfect profligate in the use of words.

"A fine volley of words, gentlemen, and quickly shot off," seems to be his motto.

The members of the bar at the present time are almost without exception college and university bred, and yet, generally speaking, their use of language is far less accurate than that of the old-time lawyer, whose education was that which the common school afforded. The old-time lawyer was careful as to his thinking and speaking, though indifferent, perhaps, in his writing. He studied intonation and the modulation of the voice, and chose his words and phrases and formed his sentences intelligently, and with a view to impress and arouse his hearers. The lawyer of to-day pays little if any attention to any of these things. He seems to think that a torrent of words is better than one well placed. He seems to be entirely unacquainted with the proverb: "He that hath knowledge spareth his words."

Free and unrestrained use of words leads to volubility, profuseness and increased rapidity of speech, and increased rapidity of speech leads to inaccuracy of expression, which not only renders the efforts of the speaker worthless and unavailing, but results in a fearful waste of time and of reportorial energy. To such an extent has this careless habit of speaking reached, that it has come to be a well-known and acknowledged fact that the stenographer is considered the great protective shield of the speaker, and nearly everything spoken in public is expected to go through a kind of stenographic refinery before it is ready for use. Not only in the sphere of legal reporting, but in the halls of congress and in legislative assemblies, this fact is generally recognized, and if the great majority of our public speakers were to compare the *verbatim* copy of their speeches with the revision they would forever afterwards remember the stenographer when they thank their Creator for the good things of earth.

And what is the result of all this upon the stenographer? It unduly exhausts his strength and nerve force; it doubles his labor and imposes upon him a vast amount of work that legitimately belongs to, and should have been performed by, the speaker. We all appreciate how much less tiresome it is to travel over a smooth road than over a rough one. We know how much less exhausting it is to report a smooth flow of words and clean-cut expressions than to report the stumbling, involved and fearfully mutilated sentences we so continually

encounter. In our courts it doubles the length and cost of trials and increases the expense of litigation to an extent almost unbearable. The stenographer is helpless in the matter. He must take the words as they come, be they ever so many or be they ever so foolish and useless, and yet whenever the question of cost arises he is a convenient person upon whom to saddle the responsibility. In references our attorneys consult their own interests and convenience solely. They postpone and delay the trial of cases almost interminably, in which delay the referee is induced to concur, and when forced to trial, pile up a mountain of useless testimony, dilatory and technical motions and argument, which the stenographer is compelled to take and carefully copy out *at once*, although it will probably not be glanced at until our attorneys are again compelled to proceed with the trial; and when the long-suffering client makes complaint he is told:

"For a long time the fees of referees led the procession of fees, and frequently amounted to more than the sums paid to counsel. But established order cannot always maintain itself. Stenographers looked with jealous eye upon this fatness of fees. Modestly, but with determination, pertinacity and legislation to aid, they crept up, desire ever keeping pace with opportunity, until it has brought them at the top, with appetites whetted and keen scent for more. It is the usual thing now that stenographers' fees are greater than referees' fees."

Ought we longer to endure this state of affairs? Ought we longer to be made a scapegoat for others? In our relation to the public is it not our duty to at least attempt a reform in this matter, and see to it that the responsibility for this condition of things is placed where it belongs? Our position to-day in brief may be said to be this: We have the facilities to do good time and money-saving work. We have systems of phonography that are adequate to report spoken language correctly when such language is used in a fairly decent manner. We have in our ranks ability and skill even to restore the fearfully mangled speech of the present day to a certain extent—somewhat scarred perhaps and limping, but still presentable and retaining the individuality of the speaker. We have a satisfactory system of doing court work, and the only thing necessary to enable us to give to the public the fullest benefit to be derived from our experience and work is the reformation of our good friend the lawyer. This is the much-needed reform. Not his reformation in his entirety, for that would be a task from which perhaps angels might shrink, but his reformation so far as his work in courts and in the trial of cases is concerned. First, we need organization, supplemented by legislation, in order that we may attempt reforms; and second, we need this reformation I have mentioned.

Be not astounded at the boldness of the suggestion, for to the thoughtful man it would seem that this much-desired reform ought not to be so great as one would at first suppose. When we consider the lessons of observation and experience, it would seem that the task ought to be an extremely light one, for the benefit to be derived by the lawyer would be worth any effort that might be put forth. Our lawyers and public speakers seem to lose sight entirely of the object of their speaking. They seem to forget that two or more minds must be involved in their effort. They seem to ignore the fact that they must not only *express* ideas, but that they must *impress* them upon their hearers in order to effect anything.

Henry Ward Beecher said: "Never be grandiloquent when you want to drive home a searching truth. Don't whip with a switch that has the leaves on if you want to tingle."

My observation has been that very few speakers who speak at a rate exceeding two hundred words a minute accomplish anything. Such a flow of words is always at the expense of proper modulation of voice, impressiveness and effectiveness. There may perhaps be a few exceptions to this statement. Phillips Brooks, if I may mention individual names, who was considered one of the most rapid speakers in the United States, accomplished much, but he always spoke to highly educated and cultivated people. His was an extremely exceptional case, and even with him no one can tell how much more good he might have accomplished had he been more considerate of his hearers. It will be found to be the same with all our rapid speakers. Those that accomplish anything of moment are those that have exceptional surroundings. The speaker who chooses his words with care, forms his sentences clearly and concisely, and delivers them with impressiveness, is the one that moves his hearers. Our political orators pour out to the people a volume of sound with no impressive ideas, and the people carelessly listen and generally go and vote the other way. The speeches of our legislators pass through the skilled hands of stenographers before they reach their constituents, and the legislator is thereby spared humiliation and sorrow.

In law reporting the stenographer has less liberty in the way of revision, and hence the greater need of reformation in that field. A lawyer has a good case, and has it well prepared, and then on the trial examines his witnesses with a string of questions so involved, complicated and illy-expressed, and the ideas sought to be conveyed to the jury are so deeply buried and hidden beneath a mountain of needless words, as to simply bewilder and confuse, and then he wonders why he lost his case. I might give you from my note-books thousands of illustrations of this bungling, shiftless use of words — this utter disregard of effect — but it is unnecessary, for you are all amply supplied already.

Whenever I encounter a witness who attempts to detail an ordinary occurrence at a rate of speech of two hundred words a minute, I at once conclude that he is lying. I know that his story is prepared and committed to memory. A little thought and analyzation of the subject will confirm this statement. No man, or woman even, can casually witness an ordinary transaction of life and truthfully relate it at any such speed. There are so many phases and points of view involved that it becomes impossible. No jury can fully appreciate a lawyer's plea when delivered at such a rate of speed. The deliberate, keen, thoughtful cross-examination of the witness, and the deliberate, impressive address of the lawyer, is what has weight with the modern jurymen. I have often seen juries who looked as though they wanted to exclaim, with one of Shakespeare's characters: "Zounds! I was never so bethump'd with words since I first call'd my brother's father dad."

The rapid questioning of the witness for the purpose of confusing and thereby securing a seeming contradiction of his direct testimony has long since ceased to have much effect. Jurors have become intelligent, and do some thinking for themselves in these days of reading and discussions. They fully realize that some witnesses may be stupid and still be honest and truthful, while others may be sharp and bright and be very dishonest and untruthful. Jurors nowadays take the case as a whole and judge of its probabilities and reasonableness, and the sooner lawyers recognize this fact, and abandon the old idea that swamping a witness with a torrent of ambiguous questions is bringing the truth to light, the sooner will their efforts in behalf of clients be better rewarded.

No one is better situated to note the disastrous effects of this unprofitable habit into which our good friends have fallen than the stenographer. This unapt and ineffective use of words; this murderous onslaught upon an innocent and reputable language, has long been his wonderment. It has for many years been his part to listen and lament, and it would seem that the mere calling of the attention of the lawyer to these things would be all that were necessary to effect reform. Pope expressed the matter in a few words when he said:

"Words are like leaves; and where they most abound,
Much fruit of sense beneath is rarely found."

In a recent number of the *Outlook* the Spectator tells about a pronunciation picnic given by Miss Fadd, from which I quote a couple of sentences:

"Miss Fadd," the Spectator's landlady told him, "had 'queer notions;' she wanted folks to talk as if they wuz readin' a book." And further: "She has an idee she can make us talk yit like the folks she sees when she goes to Bostin."

Now we would not require our good friends to reform to such an extreme extent as that. We do not ask them for an absolutely faultless use of language, but a decent, respectful use only. With that we, as law stenographers, will be fully content.

The convention then adjourned until 2 P. M.

FIRST DAY, SECOND SESSION.

The convention was called to order by President McLoughlin at two o'clock.

PRESIDENT McLOUGHLIN: Secretary Hill, having just passed through a serious illness, feels hardly able to perform the duties necessarily required of the secretary. Under these circumstances we ought to lighten his task as much as possible by appointing some one temporarily, at least, to perform such duties.

SECRETARY HILL: I do not offer my recent sickness as an excuse so much as the fact that I am now in my new position in Trenton (deputy postmaster,) and therefore not in active work in the profession in this state. I suppose my successor will be named later on in the meeting, and he may as well start in now, as he will be obliged to do much work in preparing the proceedings, which, under my present circumstances, and for the reasons I have stated, can be more easily and readily done by a member active in the shorthand profession, and who is not hampered by other interests.

MR. MARTIN moved that John E. Kelly be named as secretary *pro tem*.

MR. KELLY: Mr. President, while I deem it an honor to be named, yet I am forced to decline it. My engagements for the coming fall are such that it would be quite impossible for me to accept the position. I suggest the substitution of the name of Mr. Arthur B. Cook.

MR. COOK: I have just this moment entered the room, Mr. President, and hardly know what job you are "putting up" on me. I lack the necessary materials with which to properly fill the position.

PRESIDENT McLOUGHLIN: We will see that everything essential is supplied. Mr. Cook will kindly take the secretary's desk.

MR. COOK: I would much prefer to be excused, Mr. President.

PRESIDENT McLOUGHLIN: We will have to overrule Mr. Cook's request to be excused.

(Mr. Cook assumed the duties of secretary *pro tem*.)

The paper following was presented by Mr. Deming, of Albany:

LONG HAND REPORTING REMINISCENCES.

BY MR. PHILANDER DEMING, OF ALBANY, N. Y.

Noticing by your program that there is likely to be a "speed contest" by shorthand writers, I am led to submit a few observations relative to longhand reporting as practiced in the days before shorthand writing became so universal.

When I was first in Albany, sketching the assembly proceedings for the *Albany Journal*, in 1862, I had the pleasure of meeting several gentlemen who made reports of speeches in longhand, which, when extended and transcribed, were accepted as *verbatim* reports. The chief of these was Henry J. Raymond, founder of the *New York Times*. He may be said to have been the victor in the longhand speed contests. He had reported the leading orators of his time, including Webster and Everett, using only the longhand alphabet, as he had no knowledge of shorthand.

It was esteemed a great compliment when Mr. Raymond, having submitted his *verbatim* report to Webster to have it revised, received it back from the orator with the remark: "Sir, it needs no revision." I need not say that such results were not secured by merely rapid longhand writing. It required a method and great skill. Yet I think Mr. Raymond's handwriting was peculiar and worthy of notice. I enclose a few lines of it which I have just now found in an old trunk, which has fortunately remained safely on my familiar stamping ground for forty years. I think you will notice that his writing combines in a remarkable degree economy of effort with complete and easy legibility.

It was my impression when I was accustomed to see much of his writing that he excelled all other persons, so far as known to the reporting and newspaper world, in the matter of rapid and legible penmanship; and I think this impression was general. But, of course, this alone does not explain his success.

I might set forth the methods employed by those who reported some of the great orators of the century, using only the longhand alphabet. I have been much interested in their work. But I have to remember that these matters are familiar. They would not be new to experts who know all about reporting. I may, however, say that Mr. Raymond, in describing his method, made much of what he termed the "keywords" of the sentences. He also made it a point to know in advance as much as he could about the effort the orator intended to make. If there was an opportunity to meet the orator and talk with

him about what he proposed to say Mr. Raymond would make haste to improve the opportunity.

It will be seen that under such circumstances the product of Mr. Raymond's pen would be an idealized report rather than a literal one. It would seem to be *verbatim*, because the key-words would be identical. But the fine editorial style of Mr. Raymond would give a tone and dignity to the work, in print, which was (at least for reading) an improvement upon the effort of the orator. I think Mr. Raymond held that the best form for speaking is not the best for reading. He himself made various speeches that filled many columns. But it was his custom to reconstruct the sentences (rewrite the transcript of the shorthand report) before printing. It was the *sentences*, he said, which he must shape anew.

I recall another instance which illustrates this. An editor of the *Albany Journal*, who was also known as an expert in making *verbatim* reports, so-called, in longhand, reported an extended and eloquent speech in the senate, and published the report in his paper. The senator took occasion to publicly compliment the excellence of the report. It need hardly be said that *verbatim* reports were far less common then than they are now, and attracted a great deal more attention. It so happened that a shorthand writer had been present and had reported the actual words of the senator's speech. On comparing the two reports it was found that the sentences in one corresponded with the sentences in the other. But in the editorial report the sentences were entirely reconstructed. In one set of sentences the phrases were high-sounding and the sentences flowing, and suggested the orator on his feet; in the other they were carefully worded and suggested the scholar and skilled editor. The keywords having been faithfully kept, preserved in a good degree the fire and eloquence of the orator's impressive periods. While something may have been lost, it is probable that much more had been gained.

I suppose that editorial, *verbatim* reporting, so-called, may now be numbered among the "lost arts." The tasks it imposed are too laborious to be continued in these days of abundant shorthand writers. Mr. Raymond spoke plaintively of the severe all-night work it cost him to reconstruct from his notes the efforts of orators to whom he had listened during the day.

Mr. Raymond was probably the most skilful longhand reporter America has produced. He not only used that economy of effort and strokes which may be seen in his writing, but he was also very quick in his thinking and movements. You may remember that Horace Greeley says, somewhere in his reminiscences, that Raymond excelled all others in the amount of newspaper work he could accomplish.

Mr. Raymond was always very complimentary to the few shorthand men who had come upon the scene in his day. He spoke of their work as "painfully accurate." I think that word *painfully* conveyed his only criticism of their efforts. He would, perhaps, prefer that free rendering which would let the reporter make a fairly good thing of a poor speech in the newspaper columns.

It seems to me much to the credit of the intelligent and cultivated shorthand reporters of to-day that they have learned and are learning how to take care of a speaker so as not to permit his blunders to appear against him in the press.

THE PRESIDENT: Ladies and gentlemen, we have present with us a gentleman from Boston, Mr. Charles Currier Beale. He is the author of "Beale's Simplified Phonography," which he has taught for a long time in Boston. One of his pupils, the lady who now sits by his side — Miss Burbank — has one of the best positions in the Massachusetts courts, which she earned by her good work, and especially her ready reading of notes, for which she has been highly praised by judges and counsel — facts which speak well for the merit of the system. Mr. Beale himself has within a few months been appointed stenographer of the equity session of the superior court, in Boston, and is highly spoken of as an efficient stenographer. I am sure that you will have pleasure in listening to a paper by Mr. Beale, of Boston.

The following paper was then read by Mr. Beale:

A HALF-HOUR WITH THE PAST.

BY CHARLES CURRIER BEALE, OF BOSTON, MASS.

Ten years ago, almost to a day, I was an interested if insignificant spectator of one of the warmest conventions in the history of your association, and I derived so much pleasure and profit therefrom that I determined not to let another convention of the New York State Stenographers' Association pass without my presence. But alas! although man, according to the good book, is of few days, hence must write in shorthand, to "save time and lengthen life," he is also, according to the same authority, full of trouble, probably because he can't read his notes after they are written. My troubles seem to have been continuous and multiform; and not the least one of them has been my inability to renew the acquaintances and friendships formed at that memorable gathering. It was certainly a notable coming together of kindred souls — a truly representative convention of the shorthand lights, lesser and greater, of that day.

A goodly number of interested quill-drivers had assembled from various parts of the country to behold a wonderful speed

contest to settle the supremacy of the woolly west or the effete east. I remember brother Little, his stature roundly belying his name, standing like a phonographic Ajax and defying the *demented* horde of western barbarians to prove the possibility of the impossible, and they did it, and the task remains to this day, — still impossible.

"There were giants in those days." I remember Prof. Hefley, the learned historian of a remote and misty phonographic past. I remember Col. Dickinson, polished and alert, but pessimistic, proclaiming the practical present with every breath. I recall brother Bishop, the Sartor Resartus of Pitman shorthand; Scott-Browne, smooth and smiling, now gone where of making books there is an end; Editor Miner, the only man who ever made a shorthand magazine pay; Easton with his "Mr. Graphophone," and blindfolded McGurrin, from Mormondom, with his typewriter; there, also, was my fellow-townsmen, the veteran Yerrinton, whose pencil is now dropped forever. There, too, was that beautiful, bustling and breezy triumvirate, Rodgers, Thornton and Moynahan. Irland was there, he who now sits idly jotting down the words of the lawmakers at Washington; and there were also the Roses and the Thornes, and even an uncrowned King, and if there were no pebbles there was a Beach. I wonder how many present to-day have as vivid a recollection as I of that exciting scene. I certainly shall never forget the lightning-like movements of Isaac S. Dement as he followed with his pen the clear and rapid utterances of his charming spouse. I remember with feelings of mixed pleasure and pain the unsuccessful attempt of the plucky Nicholas, whom I assisted to the best of my ability as a dictator. I remember Mr. Daniels, whose work, although not the fastest, seemed by all odds the best; and I also remember the weary hours it took the poor fellows to transcribe their five-minute takes, the multiplicity of errors, and brother Little's triumphant vindication. Looking back to that interesting occasion I remember with a thrill, *quorum pars fui*, and it seems but yesterday that the cool breezes of beautiful Lake George were blowing over the fevered brows of the contestants. But *tempus* has been *fugiting* just the same, and I realize by the new and strange faces that I see here to-day that it was not yesterday, but that half a generation has passed since that August day among the hills on the shore of that crystal lake.

And as memory steals back to that pleasant gathering, the thought comes to me of those earlier ones to whom we then and to-day owe our shorthand existence, and it occurs to me that we assembled here may profitably contemplate for a moment's space those ancient stenographic prototypes of our latter-day reporters. Let us gaze briefly upon a few of our for-

bears who in their day loomed vast and mighty in the world of letters, but who toiled and wrought and passed on, and are forgotten. No, not entirely forgotten, for occasionally the antiquarian gazes with curious eye upon a quaint and dust-covered volume which its author proudly believed would be an everlasting monument to his genius, but which to us seems only a phantom link to bind momentarily our busy and bustling present to a shadowy and unreal past.

I need hardly outline to you the origin and early growth of shorthand. Abler students than I have laid before you the mysteries of the Tironean notes and the earlier Greek hieroglyphical shorthand. Our historians of stenography would have us believe that centuries before the Man of Sorrows sanctified with His benignant presence the then fertile but now desolate and sun-scorched rocks of Olivet, the burning eloquence of Demosthenes, the fiery invective of Cicero, and the keen and scholarly utterances of Cæsar were caught and preserved upon waxen tablets by the stylus of the ancient stenographer. Some even claim the scriptural authority for their belief that the sweet singer of a mystical Hebrew past identifies himself as our fellow-worker when he says "My tongue is the pen of a ready writer." Be that as it may, some means has preserved to us the early eloquence of tribune and forum; and why arrogate to ourselves to-day the ability to do what Roman and Grecian genius could not accomplish! Let us not begrudge these dubitable honors to those sturdy old patricians and their gifted freedmen; we may not be so superior in ability to them even to-day. Let us rather look to the history of our own Anglo-Saxon race, so far as it applies to shorthand, and there find firmer ground for our faltering footsteps.

From Julius Cæsar, the leader and idol of the Roman legions, to Elizabeth, the virgin queen of Merrie England, is a far cry; yet history reveals no publisher of lightning shorthand systems and no three-months professors during the sixteen centuries that span the dark chasm which stretches from a decaying ancient civilization by the Tiber to a dawning modern civilization by the Thames.

The ready writer seems to have lost control of his pen in those troublous times, and it was not until 1588 that shorthand, or its English inception, with all its possibilities loudly sounded by its enterprising promoters, startled a sleeping world.

I have here a reprint of that quaint old book entitled "Characterie, An Arte of Shorte, Swifte and Secret Writing by Character," the original of which was published in 1588 by Timothy Bright. In this modest volume behold the germ of modern English shorthand. From this humble beginning how wonderful a growth! Three centuries ago the conception of

swift writing forced its way into the active brain of that Elizabethan scribe, to reappear in the crude and almost ridiculous exposition contained in this volume. Yet see what his followers, through the years that have rolled onward since that day, have wrought! What a mighty factor in advancing civilization shorthand has become! In cloister and in court-room, in the quiet chamber of the man of letters, in the busy marts of trade, in legislative hall and the office of the man of affairs; even in the tent of the soldier; wherever the advance of modern ideas and modern methods has left its impress, there we find the stenographer with his pen that is mightier than the sword, and his typewriter that rivals both.

Truly to Timothy Bright, pioneer of an untrodden pathway, we owe much, and here and now we pay him tribute. Our ingenious pedagogue having blazed the way, others were not slow to follow in his footsteps and even to attempt to snatch away from him the credit of his invention. Yet for nearly a hundred years none of the score or more of systems published rose above mediocrity. Still were they struggling toward the light, and each improving somewhat upon his predecessors, until finally, in 1672, appeared a system which, although hardly original in any detail, yet comprised in itself so fully the merits of previous methods, and attained to such unprecedented popularity, that it may well be selected as the typical system of the period. From the latter part of the seventeenth century nearly to the close of the eighteenth the system of William Mason was pre-eminent. It passed through many editions, and was taught by the author and his followers for nearly a century; it formed the basis of the most popular of succeeding systems, and in the end disappeared from the shorthand field, because it was totally inadequate to meet the requirements of a practical system. Yet William Mason, in his time, filled a large place in the literary world, and the tributes to his genius were many and flowery. His principal work, a copy of which I shall show those interested, is entitled "*La Plume Volante, or the Art of Shorthand Improved, Being the Most Swift, Regular and Easy Method of Shorthand Writing Yet Extant.*"

Not so very much behind some of our modern systems in its claims, after all, you see. But when we turn to the pages following the title-page we find prose and poetic encomiums which almost equal the flowery phrases of some of our present publishers of sixty-day systems. Listen to the following, as an example:

TO MR. WILLIAM MASON, ON HIS EXCELLENT SHORTHAND :

In a smooth train thy Mystick Figures flow,
 And swiftest gales of eastern winds outgo !
 Thy Pen our words paints with the nicest care,
 Before the fleeting voice dissolves in air,
 Flying it draws the image of the mind,
 Not one idea wandering leaves behind,
 Faithful as Eccho thy rare art is found,
 Preserves the sense as it returns the sound.

This effusion is signed "J. S.," and was undoubtedly written by our well-known friend, John Smith.

But the risen sun of William Mason's fame was soon to be eclipsed by the efforts of that famous family of shorthand writers whose name is still preserved to us through their connection down to the present time with the reporting of the proceedings of the British parliament. For more than a century, I believe, the Gurney family have had charge of this important work, and the system used has been that of Thomas Gurney, first published in 1750, and improved by Joseph Gurney. In the edition published in 1775, nearly a hundred and twenty-five years ago, a copy of which you may inspect, is a fine portrait of Thomas Gurney, and many fulsome tributes to his genius. One of these must suffice as an example of the view that was taken of the shorthand art in those days.

"The nice-wrought acorn (say the learned) contains
 The oak's vast branches in its little veins !
 Each leaf distinct, and ev'ry fibre-line,
 Marked unentangled on the small design,
 Nor less the wonders of the plgmy scene,
 That live the miniature of Gurney's pen.
 Yon spacious landscape of the painted mead,
 The winding flood, and mountain clad in shade,
 The gem-set concave of the midnight pole
 Where wandering worlds in wild confusion roll
 Fair, as we gaze, and undisordered lie,
 Planned on the little tablet of the eye.

Thus Gurney's art contracts the mighty plan
 And sinks the immense of science to a span.
 Lo ! here a line confines a Tully's rage,
 Or Livy's empire stretches half a page ;
 Poetic fires in narrow limits dwell,
 And learned oceans slumber in a shell.
 Had earlier ages, happy as our own,
 Ingenious friend, thy flying fingers known,
 If pages then beneath thy dash had sprung,
 The unfinished sounds still trembling on thy tongue,
 O'er pregnant sheets the quick ideas spread,
 As showery drops imprint the dusty mead ;
 Nor pale-eyed scribes had watched their midnight oil,
 O'er the slow progress of their folio toil ;
 Nor lab'ring science would have sought redress
 From the nice structure of the immortal press."

Stimulated by the success of Mason and Gurney and others of lesser note, a period of intense activity in shorthand development set in about the time of our American Revolution, and continued for the next generation, and some of the systems then brought out were pushed with all the vigor and enterprise which characterize the rival publishing concerns of New York and Cincinnati.

Three contemporaneous authors I have selected as exemplifying to a notable degree the shorthand skill and genius of that epoch. I have here a beautifully printed volume, published in 1786, by William Isaac Blanchard, which is one of the most pretentious which appeared during the eighteenth century. It is dedicated to the Right Honorable William, Earl of Mansfield, lord chief justice of England, and a long list of subscribers, printed in the book, embraces the names of many of the leading men of law and letters of that day. One paragraph of the preface which will not be inappropriate in these days of speed contests, is as follows: "To give some idea of the rapidity of gentlemen of the bar in course of argument, I remember to have written in one hour and forty minutes, from a speech of the Honorable Thomas Erskine, in the Carlisle committee, upon the petition of Mr. Christian against Mr. Lowther, 208 law sheets, each sheet containing seventy-two words, in all 14,976 words." A moment's figuring will show us that some one hundred and twenty-five years ago, Mr. Blanchard, if we believe him, wrote for nearly two hours at the rate of one hundred and fifty words a minute. I fancy some of us here to-day could do little more than *twice* as much.

It was my intention to speak to you of the once famous system of Byrom, who flourished about this time, but I was unable to lay my hands upon my copy of Mr. Byrom's work, so I have instead brought with me the manual of a system closely copied upon Byrom's, that of John Palmer, published in 1774. There is little in this book except its antiquity to interest us, beyond the fact that it is practically the same system as that of his illustrious master, and I will not dwell upon it further than to say that out of 164 pages of print fully two-thirds are filled with praises of the author's own skill and wisdom.

We now come to the system which perhaps has done more than any one other to popularize shorthand, and which can certainly be said to be the most important of all systems published before Pitman—the widespread system of Samuel Taylor, the one which undoubtedly gave Isaac Pitman his inspiration. The system of Taylor is said to have passed through at least ten editions that were authorized, and to have had more than fifty imitators and adaptors. It has been translated into nearly all modern languages, and is to-day used in

modified form in many foreign countries. The edition I have here was published in London in 1786, at one guinea per copy, is dedicated to the Right Honorable Frederic Lord North, chancellor of the University of Oxford, where Mr. Taylor was for many years professor of the art. As was usual in those days, a long list of subscribers is published, containing, among others, the names of his majesty's attorney-general, the lords bishop of Bangor, Oxford, Winchester and Worcester, the Earls of Cholmondeley, Cork, Derby, Fitzwilliam, Grovesnor, Northington and Spencer, Lords Craven, Cavendish, Foley, North and Spencer, the Viscounts of Duncannon, Keppel, Middleton, Maitland, their graces the Dukes of Devonshire, Northumberland and Portland, to say nothing of shoals of honorables, esquires, baronets, knights and other such small fry, and notable above all the rest the immortal name of the Right Honorable Charles James Fox. This imposing list of patrons is followed by the signature of Samuel Taylor, as clear and firm as if it were written to-day instead of one hundred and twelve years ago. The book itself shows that they thought well enough of shorthand in those days to bind their text-books in genuine tree-calf.

In the early part of this century the study of shorthand seemed to receive a temporary check, and comparatively few systems appeared. One of the best of these was that of William Mavor. Its popularity was considerable, and in many respects it is the most scholarly production which had yet appeared. It held about the same relative position to the shorthand systems of that day that Graham does to the systems of this period, and for much the same reasons. My copy is of the edition of 1807.

Leaving the system of Mavor, with its finely printed text-book and scholarly presentation, we come to the greatest shorthand author of any age or era, if we may believe his own statements, and the greatest shorthand charlatan in history, if we may believe his rivals and many of his successors.

James Henry Lewis was, up to the time of the Pitman epoch, the most liberal user of printer's ink among the shorthand authors, and, according to his own claims, the most successful. He modestly acknowledges, I believe, that sixty-seven editions of his text-book were brought forth to bless mankind, and for his own opinion of his works I refer to the following copy of the title page of one of them:

"The Lewisian System of Shorthand or New Method of Reporting, Taught in Six Easy Lessons, without Burdening the Memory. Exactly as it is Written by the Gentlemen of the Press, Whereby any Person may Follow the Most Rapid Speaker with Ease and Certainty, and Read his Notes at all Times with the Same Readiness and Fluency as Common Writ-

ing and Printing. Invented by James Henry Lewis of Ebley near Stroudwater, Gloucestershire, Founder of the Society of Reporters, Inventor of the New Method of Writing, and Published Exclusively for the Use of His Pupils." The above, together with a ten-line alleged poem, constitutes the title-page, but the climax of complacent introspection is seen in his introduction, which runs as follows: "Say, would you gain the ready writer's speed, and when you've written, with much pleasure read, what from a speaker of a fertile mind and rapid utterance in your notes you bind, you'll find of every method yet composed that the Lewisian system here disclosed will please you best, your ardent hopes repay, and all that's swift and legible display. View in these pages like a mirror bright that art divine now bursting on your sight, in charms like those of peerless beauty's smile, that win the heart it seeks not to beguile. See in this book the wondrous plan revealed, which heaven from mortals hath 'till now concealed. Trace in each page the ready writer's mind, 'tis here his shorthand secrets are defined. Why seek in other systems with such pains the matchless property that this contains and this alone. In vain you may pursue with lengthened toil and ardent study, too, the noble art of writing swift as speech, and all the pleasures of its aid to reach. For waste of time and disappointment's sting the practice of the various schemes will bring. This book was composed by James Henry Lewis, whose plan, as you will see, most perfectly new is. 'Tis arranged in a manner both plain and terse, and the whole of the system is written in verse. For the use of his pupils, for them 'twas composed, and only to them are its secrets disclosed. 'Tis entered at Stationer's Hall, you will see, which has rendered the work secure to me. This is the date I have resolved to affix, Wednesday, July the twelfth, eighteen twenty-six. The price of this book is nineteen and six pence, which of course must be paid in the present tense."

Would that we had such systems in these degenerate days! Truly the age of miracles has passed.

In spite of the sixty-seven editions alluded to I have not a copy of Lewis' shorthand in my library, but I have brought you a copy of the New Testament written in his system, in 1849, by one of his followers, which is certainly a monument to the patience of the pupil if not to the genius of the master.

With the rise and fall of Lewisian shorthand may be said to end the early shorthand history of England. What has transpired since then falls within the memory of men still living, and does not come within the province of what I have endeavored to tell you; but it still remains for me to bring to your attention a few of our American systems, which now live only on the shelves of occasional collectors, or fall to unseen decay in the dark and dusty corners of some timeworn dwelling.

One of the earliest American publications was that of Marcus Tullius Cicero Gould. Highly fitting was it that so active a shorthand author as he proved to be should be named after the earliest known patron of stenography. His system was taken bodily from English authors, and his text-book, the seventh

edition of which, published seventy years ago, I have here, is remarkable mainly from its minute size, the beauty of its shorthand engraving, and its remarkable frontispiece, in which we see the prototype of our modern reporters comfortably seated under a spreading tree and jotting down on a notebook about the size of the *New York Times* the utterances of a disgusted looking individual in a bicycle suit.

A few months ago there passed away not far from the metropolis of your state a man who might in many ways be termed remarkable. To us the chief interest in the career of Thomas Towndrow is that up to the time of his death he was the oldest living shorthand author and probably the oldest stenographer in the world. His system was never actively promoted, yet many have learned it and used it successfully, and his life was a useful one. The earliest edition of his text-book which I have been able to obtain is the 1832 edition (the second,) published, you will notice, sixty-six years ago, five years before Pitman shorthand appeared; sixty-six years ago, two-thirds of a century, and yet only last spring its author was still with us. Perhaps I ought not to have included among my "forgotten systems" that of him who so lately formed in his own life the connecting link between the old and the new; but it seemed fitting here, in the representative stenographic body of the state in which he lived, to say a few words of remembrance and respect to the man who antedated all modern shorthand, and has watched the puny birth, the gigantic growth, and the wonderful progress of Pitmanic phonography, and although the results of his own labors were almost swept away by the rushing tide of Sir Isaac's followers and imitators, still to the last kept good courage and cheerily continued planting where he knew others would reap. All honor then to Thomas Towndrow, sturdy old shorthand patriarch, and may his memory ever abide with those of us who love shorthand for shorthand's sake.

It seems appropriate to pass from the system of one citizen of New York to another, and accordingly we will contemplate for a moment the work of another Thomas, Thomas Mitchell, of Lansingburgh, whose unpretentious little handbook dates back only forty years, and thus is but a mere stripling compared with the work of the elder Thomas. "Shorthand; Phonography for the Million; A New System of Kyriological Phonography," is the sounding title, and we are informed by the author that if his system should be introduced into our common schools the children would be able to write their own and the thoughts of others at the rate of 250 words per minute. I infer from the scarcity of 250-word-per-minute school-children that an indiscriminate public has unfeelingly neglected as yet to introduce

Mr. Mitchell's masterpiece into the curriculum of our public schools.

For the benefit of those who may wish to know what kyriological means, the author kindly explains that his system represents the pure elementary sounds, as did the original Greek alphabet. It is an ingenious system, and some of its characters closely resemble the outlines in Aubrey Beardsley's posters. Some of his phrases are admirable; for instance, four simple motions of the pen express that always useful phrase, "the march of stenography."

In a little village among the verdurous valleys of Vermont lived, nearly eighty years ago, an humble clergyman, who, had fortune smiled upon him, might to-day fill the niche in the temple of phonographic fame occupied by Sir Isaac Pitman, whom we so erroneously style the Father of Phonography. For in 1819 Phineas Bailey, the American pastor, toiling in the little hamlet of Poultney, Vermont, published, eighteen years, mind you, before the "stenographic soundhand" of the immortal Pitman appeared, a system of true phonography under the title of "A Pronouncing Stenography; Containing a Complete System of Shorthand Writing, Governed by the Analogy of Sounds, Adapted to Every Language."

I was once fortunate enough to possess one of the original copies of this work, but in the vicissitudes and changes of a more than ordinarily busy life it has disappeared, temporarily at least, but I am able to show you a copy of a later edition, published in 1833, still predating, you will observe, the Pitmanic production, by several years. Who knows, if time and money or perhaps, to use our expressive Americanism, "push," had been applied to the promulgation of parson Bailey's invention, but that we now might be Baileyites instead of Pitmanites, drawing our inspiration from the green-clad hills of our Yankee Vermont instead of the historic haunts of British Somerset.

Do not, however, understand me to wish to belittle the life-long labors and wonderful achievements of Isaac Pitman; to him all of us, whatever may be our particular phonographic preference, must give unstinted praise and honor. No man more faithfully toiled nor more gloriously wrought, and to few has it been given to live to see what he has seen.

The beardless boy who sixty years ago counted no sacrifice in vain to promote his phonetic revolution has seen a grateful world adopt his enthusiastic ideas, and adapt them to every field of human energy, and unnumbered thousands of happy workers who owe their livelihood to their flying fingers rise and call him blessed who has wrought this wonder. Yet it is not upon Sir Isaac Pitman, known and honored wherever the English tongue is heard, that we must dwell. There is no danger of his mem-

ory being neglected or his work being forgotten. It is of those who toiled just as earnestly, and looked forward just as ardently as he, and who like him have passed on, but unlike him are already almost forgotten, that I have tried to tell you; and before closing I wish to call to your attention a man who in his day did more for Pitman shorthand in this country than Pitman himself, and whose name at one time was almost a household word.

Along in the forties there lived in the city I hail from, universally acknowledged to be the Hub of the Universe and the home of the elect, one of the greatest geniuses this world has ever seen, a thinker, a dreamer, if you will, a philosopher, a poet and a phonographer. He was a many-sided man; a social theorist and a writer of abstruse philosophical works on the one hand; a popular lecturer and a publisher of the most commonsense editions of Isaac Pitman's shorthand that ever appeared, on the other. I shall take pleasure in showing you an early edition of his text-book, which is scarcely excelled in clearness and simplicity by any of his successors to-day, and I want you all to reflect as you look upon its faded pages and note the striking resemblance of the principles set forth to the Pitmanic methods of to-day, that the world has very little moved in shorthand circles since this book was published, and while every other branch of human activity has made wonderful progress along every line, the shorthand of to-day, as written by at least 90 per cent. of living stenographers, is but little if any in advance of the method so lucidly presented in 1845 by that grand old phonographic patriarch, Stephen Pearl Andrews.

I thank you for your kind attention, and I shall be very glad to show to those interested, after the session is over, the volumes to which I have alluded, and if I have seemed to say anything in a slighting way concerning the merits of any of these various systems, believe me when I say now, that even in the crudest and most impractical of these efforts there is yet the germ of what we to-day meet to honor, the practical and beautiful modern shorthand which has made our profession possible. Far be it from me to belittle or to deride the earnest and honest efforts of our predecessors, and if we smile at their stilted style and fail to concur with their fervent admiration of their own productions, we do them all honor for their enthusiasm and give them credit for what was good in their inventions, and while overlooking their petty failings let us remember their large virtues, and may both be an incentive to us to so live that in some later day, when *we* have joined *them* in that mysterious silent kingdom to which they have preceded us, *our* successors, as they smile at *our* follies and *our* foibles, may deem us worthy of honorable association with those who have gone before us,

and whom to-day I have feebly endeavored to recall for you from their well-earned repose.

THE PRESIDENT: I would like to hear some discussion of the paper that was last read, particularly from some of the visitors. Mr. Butcher, of Toronto.

MR. BUTCHER: Mr. Horton, one of the handsome men from Ottawa, is much better able to deal with that subject than I am.

THE PRESIDENT: I take pleasure in introducing Mr. Horton, of Ottawa.

MR. HORTON: Mr. President, I rise in response to your invitation, not to discuss the paper, because unfortunately I heard only the last two or three sentences of the paper, and I am not informed as to the nature of it. Since I have been called upon, I may state that I have come over here to bring you a cool breeze from the northern side of the lakes, which you are greatly in need of to-day, but chiefly because I have been appointed a delegate from the only incorporated society of stenographers in Canada—the first and only incorporated society—to represent them here before you as their president. I may say that I am very happy to fulfill that duty, because it is always a pleasure for a Canadian to visit the United States. We sometimes think that Uncle Sam has been paying his respects to Miss Canada. We know that Miss Canada has reciprocated his affection for a great many years, as she is doing on the occasion of his friendly call upon the young lady at the present time, in the ancient city of Quebec. But though these blandishments have not eventuated in a matrimonial alliance, yet I may say for Canada, I am sure, that she is glad to “be a sister” to Uncle Sam, and she is proud to look upon him as a “big brother.” I believe that Canadians are, next to Americans themselves, the proudest in the whole world of the achievements of our great neighbor, and I believe that from the Atlantic to the Pacific (because our great nation embraces such an area at the present time) you have had, in your recent struggle, the sympathy, and the hearty sympathy, of the Canadians, with scarcely an exception,—because they look upon your triumph as a triumph for civilization, as a triumph for the Anglo-Saxon freedom, I may say, if you will permit—the triumph of the Anglo-Saxon civilization, for which Canada, as well as the United States stands, on this continent. (Applause.)

But I must not take advantage of your kind invitation, sir, to indulge in too much highfalutin. I may say that I come particularly as the representative of the Chartered Ontario Stenographic Reporters' Association, because, chiefly, our members understand that you are going to discuss here the question of

licensing or authorizing law stenographers; and as that is a subject which has been engaging our attention — which, in fact, is the basis of our organization — it was deemed advisable that one of us should visit your meeting with a view of ascertaining, if we could, what you are doing here, so that we might have some guidance for our future action.

I shall not further encroach upon your time; but when you come to discuss that question, if you have not already discussed it, I shall have great pleasure in listening, and, if you will permit me, in carrying away what notes I can find of advantage to us on the other side of the line. I thank you very much, Mr. Chairman, on behalf of the society which I represent, for permitting me to attend your meeting. (Applause.)

MR. BISHOP: Mr. President, really, as there is another so well-known member of the Chartered Association here, I take great pleasure in saying that it has been my delight to have known for years both of those gentlemen, one of whom has just taken his seat, and that I think you ought to kindly bring a little pressure to bear on the other. I think we ought to hear a few words from Mr. Butcher on this subject.

MR. BUTCHER: Mr. President, with your permission I would be glad to reserve any remarks I have to make until the discussion of that matter comes up.

Mr. Martin read the following communication, addressed to President McLoughlin, from Mr. John R. Potts, of New York:

SHOULD OFFICIAL STENOGRAPHERS BE PENSIONED?

This is a subject which has probably never been brought to the attention of our brother stenographers, and is, therefore, one which in all likelihood has never been discussed either privately or in public. Even if there were comparatively little merit in the suggestion, its novelty alone should at least entitle it to respectful consideration, but the more it is considered the more strongly will the conviction grow upon us that some united step ought to be taken by our association to secure such legislation as will carry the idea into effect at the earliest available opportunity.

In the first place, we should consider the desirability, and in the next place the feasibility of the proposition. I have looked into the matter of its desirability pretty carefully, and I do not see, from our standpoint, that there can be a single tenable objection to it, but, on the other hand, there are a great many reasons why it would be a most advantageous step to be taken. It is along the line of self-preservation, which is the first law of nature, and if there were no other reason why such a law be

enacted, this axiomatic authority is, I think, sufficient justification for our advocacy of the proposition and our contention that it be enacted into law. We owe it to ourselves individually, as well as to our brethren in the profession, to do everything within our power to protect, conserve and advance the interests of the members of our profession. If this be true, it follows as a self-evident proposition that an effort to aid others when, after a long series of years of close application, they have become unfit to help themselves, is a most praiseworthy and commendable one. No idle or sentimental objection should prevent us at any time from adopting a course or a policy which would be fruitful of good results. Whether other crafts or professions have or have not taken a similar step, or have or have not made a similar request for such legislation in their behalf, has nothing whatever to do with the case. We should be leaders; not followers. If other professions have heretofore failed to invoke a measure which is so beneficent, or neglected to have enacted into law a principle which is calculated to be of such lasting benefit to them, I say shame on a profession which has been so near-sighted or benighted that it cannot see into the future, and is so indifferent to the best interests of its practitioners.

I do not see how there can be two opinions upon the subject. No one will deny that our profession is one that requires the highest ability upon the part of its practitioners, or claim that there is any other profession which is so destructive of a man's vital energies. It is one that requires the most faithful service every minute of a man's professional career. It is one that requires his individual attention both day and night; it is one whose responsibilities cannot be measured, and it is one which, in the end, be it followed however faithfully, at the close of one's professional career rarely leaves him enough with which to pass the evening of life comfortably.

No such idle objection should be raised to this proposition as that stenographers are unwilling to be recipients of charity. There is no charity about it. After an official stenographer has worked day and night for the state for a period of twenty years he has earned it, for he finds himself after that period more or less a mental and a physical wreck.

I suggest that after an official stenographer of the courts of record of the state of New York shall have served the state faithfully for the period of fifteen or twenty years he may be eligible to retirement upon half pay.

The state has made provision along this line for policemen and firemen, and I maintain that their work and their service is not any more constant or any more faithful, or any more arduous or exacting, than is the work of the official stenographers of our courts of record.

It may be said or intimated that this would be an unwise precedent for the state to establish. On the contrary, it is an exceedingly wise one. It secures, if possible, more faithful service by reason of the fact that at the end of, say, fifteen or twenty years of laborious work, the stenographer will have some kind of a reward or recognition for his faithfulness. The possibility of losing such a reward would of itself compel him to render the most worthy service of which he is capable to the state that employs him.

As the state has already so willingly agreed to pension so many policemen and so many firemen, it would require but a very small additional expenditure to pension the official stenographers of our state after fifteen or twenty years of service, and I desire very much that you agitate this matter, and if it meets with favorable consideration, a bill can easily be drafted embodying the idea here proposed, and I have no doubt that sufficient influence can be brought to bear on the legislature to have the suggestion become a law.

THE PRESIDENT: Ladies and gentlemen, before I take you to court, or wherever I have to go, under an order just served upon me, I think it would be appropriate, after the excellent essay to which we have just listened, to proceed, although somewhat out of order, and I suggest that we honor ourselves by electing Mr. Beale, of Boston, an honorary member of our association.

MR. BISHOP: Mr. President, I think you have suspended the regular order by your own motion, and I think it ought to be thoroughly effectual. I would like, by your permission, to make a nomination. I take great pleasure in nominating for honorary membership Miss Burbank, who has come all the way from Boston to be with us to-day. I do it with very great pleasure, not only on her own merits, which I believe to be quite sufficient and more, to entitle her to our vote in that respect, but as being the successor, stenographically, of our old honorary member, Yerrinton, and the successor, more recently, of his immediate successor, Mr. Burton. I take great pleasure in nominating Miss Burbank for honorary membership. And as I understand that my own suggestion is adopted, in regard to honorary members, I think I am entitled, whilst it is being acted upon, to move that we immediately act on the nominations.

MR. LITTLE: Mr. President, I second the nomination of Miss Burbank for honorary membership. Miss Burbank at one time wrote me a letter, and I think that any lady who will write me a letter, especially a stenographer, is entitled to membership in this association.

Mr. Beale and Miss Burbank were unanimously elected honorary members.

MR. BISHOP: I move that, as we are on this business now, we take up the roll of nominees for honorary membership and act upon it.

At this point the chair announced the following committees:

Place of Meeting: Theodore C. Rose, Edward J. Shalvey, Charles F. King.

Membership: Henry L. Beach, Harry W. Wood, Miss Cora M. Emens.

Nomination of Officers: Spencer C. Rodgers, Thomas R. Griffith, W. P. Cherry.

Resolutions on the death of Edward F. Underhill and James H. Fish: George R. Bishop, Leopold Woodle, John P. Martin.

MR. HILL: I would like the privilege of the floor at this time, in relation to this nominating committee; and I hope there will be no objection to granting me that privilege, although it is not exactly in order. Last year Mr. McLoughlin was elected president of this association. He has made a very able president. There are other ex-presidents here, but it does not reflect upon them to say that the association never had a better president than Mr. McLoughlin. He has brought into this association over thirty official court reporters in the city of New York and the city of Brooklyn, and strengthened the association where it was weak before. The great need of the association now seems to be that it needs strengthening in other parts of the state. As it becomes strong in one direction, it becomes weak in another. If that can be obviated by electing a strong executive committee, the association would continue to grow and become a great power, no doubt, and become a greater power in the future than in the past, in shorthand matters. What I would like to have the association do at this time is, to render to Mr. McLoughlin the honor that is due to the skill and the ability he has displayed this last year — to waive the reference to the nominating committee, and to re-elect him by acclamation. If he appoints a nominating committee and they present his name for president, it is a good deal like electing himself, and it is not necessary that that should be done. No doubt he stands in the minds of all here as re-elected; but I ask for the waiving of the rules, and I wish, inasmuch as I have been allowed to speak, if it is not out of order, to renominate, as president of this association for the ensuing year, Mr. McLoughlin; and I hope that nomination will be seconded. Inasmuch as Mr. McLoughlin is interested in the matter, as

secretary of the association I will take it upon myself to put the question, if the nomination is seconded.

The nomination was seconded by Mr. Cherry.

MR. BISHOP: I should take great pleasure in being the second seconder of that motion, if there is nothing in the constitution that militates against that action. I do not know of anything. I would like to be sure, however.

MR. HILL: I do not think there is anything in the constitution that stands against it; but if anyone objects, we can not go out of the regular order of things.

MR. WOODLE: We can adopt this motion, and then the nominating committee can, if they choose, again nominate Mr. McLoughlin, and he can be elected in both ways.

MR. BISHOP: Mr. Chairman, I think there is no rule against it. I also second the nomination, and take great pleasure in doing so.

The question being put by Mr. Hill, Mr. McLoughlin was unanimously re-elected president, by a rising vote.

PRESIDENT McLOUGHLIN: I do not know that I can say anything except to heartily thank the members of the association for this kind expression of confidence in me. I did put in some hard work for the association during the past year. To me it was a labor of love, because I love the profession, and I have also learned to love the members of this association. During the coming year I will follow the same policy, and work for what I believe to be the best interests of the stenographers of New York state.

But I regret to say that a mandate of the court has been served on me. I will read it to you, and if this body of stenographers of New York state will allow their president to be carried off in this way by a lot of conspirators from the town of Albany, why, let them try to do it.

"SUBPÆNA.

IN THE NAME OF THE STENOGRAPHERS OF ALBANY,

To Peter P. McLoughlin, GREETING:

WE COMMAND YOU, that all business and excuses being laid aside, you appear and attend before the north entrance of the capitol at 4:45 P. M., August 25, 1898; that you also produce and bring with you each and every member and guest of the association in attendance upon the convention, and at such time and place you deliver yourself and associates into the hands of the local members for judgment to be rendered in a certain

proceeding to be adjudicated at 8 P. M. of said day, and for a failure to attend you will be deemed guilty of contempt in a minor degree, and will forfeit in addition thereto various appurtenances appertaining to our fellowship.

WITNESS OUR SEAL.

(Seal.)

WM. LOEB, JR.
WM. M. THOMAS.
DAVID N. BRICE.
GEO. A. MURRAY.
S. C. RODGERS.
JAMES M. RUSO.
JOHN E. KELLY.

THE PRESIDENT: Mr. Cook, who is acting as secretary *pro tem.*, has a short paper which he will read.

The following paper was read:

COURAGE.

BY ARTHUR B. COOK, NEW YORK.

This subject may seem abstract and ethical for the present occasion, but the purpose in view is concrete and practical. I desire to speak of certain points in which our work may be made easier and more satisfactory by a liberal use of the quality of courage.

It is needless to say, in this gathering, that the profession of shorthand writing is one that, in its full exercise, demands the best and the most harmonious development of brain and muscle. Neither do we need to be informed that in this, as in all other departments of labor, courageous perseverance is necessary for the student and the practitioner. Every branch of industry presents certain difficulties, best known to the experienced workman; and these very obstacles constitute the strongest bond of sympathy between members of the same calling or profession.

The chief point I have in mind may be illustrated by reference to the court reporter. His duty is to secure a full record of the testimony. Assuming that the stenographer is an expert, capable of writing 175 words per minute, according to the civil service test, his main difficulties are often not those of speed alone, but those of indistinctness, inaccuracy and uncertainty upon the part of witness or counsel. The average witness is not accustomed to public speaking, and upon passing a moderate speed limit he becomes indistinct in his enunciation. The same trouble occurs with lawyers in the reading of documents; and exhibits are often inaccurately read by the lawyer, whose mind is centered upon some particular point up to which he is leading. When, further, one takes into account the noises incident

to a court-room, sometimes crowded, a partial idea is presented of the impossibility of reporting correctly without occasionally stopping the witness, counsel or judge, and requesting a repetition.

This necessity is one of the severest trials of the reporter. The beginner fears to interrupt the proceedings, lest he may be thought incompetent, and lose prestige, or even his position. Or, if he ventures to stop some irascible counsellor, and is practically, if not actually, rebuked for so doing, he is still more reluctant to speak when the necessity again arises. He is apt to get along as best he can without, and suffer the consequences in the laborious deciphering of incomplete notes, and the painful consciousness that, after all, his transcript is defective.

How can the situation be improved? Again taking the official court reporter for illustration, I would say, Let him fully realize the importance of his work. Let him remember that he is the *recording officer of the court*, employed to secure and preserve a true and accurate account of the proceedings, and that therefore it is not only his right and privilege, but his bounden duty, to take all measures in his power for obtaining a correct report. Having these facts in mind, let him first win the main battle by overcoming his own pride and self-interest, and then let him stand for his rights, knowing that in standing for his rights he is simply discharging the duty imposed upon him by the court itself. The adoption of this principle, and resolute adherence to it, will save many a tangle, many a subsequent embarrassment, many a harsh word or thought from those who have to read the stenographer's transcript.

The same principle holds good in regard to the amanuensis. Let him not fail to ask questions, when necessary, to insure the correctness of his notes, rather than take chances and risk disappointment.

Of course, in the application of this rule it must be remembered that "discretion is the better part of valor;" and when some speakers are to be interrupted, a great deal of tact is necessary.

It need scarcely be added that the reporter of arguments or conventions has no such privilege.

There is one more question — how to get and keep this liberal but necessary supply of courage. The answer is, of course, Be prepared. Did you ever come forward in the school-room for declamation, trembling in every nerve, simply because you had not thoroughly learned your piece? Or, worse than that, did you ever have to answer, "Not prepared." Whatever "take" we undertake, however difficult, let us try to be prepared. The diligent and carefully trained student, who knows

that he is as well fitted for the work as can reasonably be expected, goes to his task with a confidence that is an unfailing source of courage.

Let us never give up the study of our art. Does it seem to any one that he has reached the heights of knowledge and can rest secure? Think of what is yet to be accomplished!—the art of phonography to be unified and taught to the students of all lands, so that literary work everywhere may be conducted by means of brief, accurate phonetic characters, instead of the present elaborate and cumbrous methods, and thus the people may “save time” and “lengthen life;” the art of typewriting, as commonly practiced, to be developed from its present crude state, until the average typewritist, using an electrical typewriter, shall rival the trained musician in deftness, rapidity and accuracy of execution. This, of course, involves a liberal education; but it is already known to many, and should be more generally understood, that typewriting is an art that gives scope for the best minds and the most generous culture. Other desired advances readily suggest themselves, without enumeration.

Within fifty years a large proportion of the recording work of the world has come into the hands of one class—the stenographic fraternity. It is a trust which may well inspire courageous endeavor.

Mr. BISHOP: I would like to make an inquiry. What is to be the order in the discussion of papers that shall be read and that have been read? There are matters in both that will be of value. Is it the intention that they shall be discussed after all have been read, or that each shall be discussed immediately after the reading?

The PRESIDENT: I should think it would be well to have the discussion after the reading of the paper. If it is agreeable, we will go back to Mr. Rose's paper.

Mr. LITTLE: Would it not be well to dispose of the proposals for membership at this time?

The PRESIDENT: If it be in order, I have a name to propose for honorary membership, and I must say that it will afford me the greatest of pleasure to do it, if it is allowable under the constitution, and I think it is. I propose the name of the lady who taught me shorthand—Mrs. Eliza B. Burnz. She is now in failing health, and she is now in Pennsylvania. She was for a long time the librarian of this association, and is known to a great number. I wish to include her name among those proposed. We can take them up now and elect them.

The secretary read the names of those proposed for honorary membership in addition to that of Mrs. Burnz:

Dr. William Whitford, Chicago.

Mr. Reuel Small, Washington, D. C.

Mr. LOEB: Mr. President, in order to enable you to obey the subpoena, I move that we adjourn until 10 o'clock to-morrow morning. And inasmuch as Mr. Cook's paper and Mr. Rose's paper touch upon the same subject, I move that they both be discussed to-morrow morning.

Motion not seconded.

Mr. BISHOP: Inasmuch as it has been suggested—and I think the idea a good one—that from the similarity of the first and third papers on some points, and their intimate relation, they could advantageously be discussed together—why not spend the few moments that now remain, before we shall be compelled, either voluntarily or involuntarily, to answer the subpoena which has been read, in discussing briefly the paper which Mr. Beale has kindly presented? Would there not be time for that?

The PRESIDENT: I don't know just where we are going, or where we may be within the next hour; but I would suggest to any one interested, that Mr. Beale's books are here, and those who are interested might help themselves. I am particularly interested in Mr. Towndrow's book, and I think that any one who examines it will have rare enjoyment.

Mr. BISHOP: Mr. President, if that suggestion be admissible, and you assent to it, I wish to say that I am very greatly gratified at Mr. Beale having referred in such kindly terms in this paper to my old friend Towndrow. Towndrow is a very much larger name, and should occupy a very much larger place in shorthand history, than many people imagine. Many, I do not doubt, of our own members are ignorant of the existence of that old work of his, which was really one of *phonetic shorthand*. I came across, the other day, a letter which he wrote to me in response to a very specific series of questions which I put to him in order to get at the precise date at which he published his first book. I do not know that my copy is the 1832 edition, but it antedates Mr. Pitman's book considerably; and everybody who has studied or looked over Mr. Towndrow's books knows that they proceed on the phonetic basis. He did not adopt the title of "Phonography," but nevertheless he gives the long and the short sound of the vowels, and assumes or attempts to give the sound of the consonants with the same definiteness to which we are accustomed, as Mr. Beale is aware. And this letter to which I referred, and which only

a short time ago I came across, is a letter which gives the date of the first publication which he issued. I think it was 1832. I think Mr. Beale is fortunate in having the first edition of Mr. Towndrow, published in England. I think that his first book must have been published at Bristol, and it may possibly have antedated 1832.

MR. BEALE: The same thing.

MR. BISHOP: I do not make these suggestions because Mr. Towndrow, in various publications of his own, has very kindly referred to me for having, in many ways, called the attention of my fellow-shorthand writers to what he had done. I sent to England, not long ago, a circular which Mr. Towndrow not a great while ago issued, commenting plainly on the merits of the matter — claiming that his *phonetic* ideas considerably antedated those of Mr. Pitman. I am aware, of course, of the result of the various discussions on the phonetic question. I am aware that Mr. Towndrow's claims to having produced a phonetic work were verified in an edition that some time later followed that of 1832, to which Mr. Beale has referred. At one of our annual meetings, that of 1884, when Mr. Walford, of London, was with us, I called attention to Mr. Nelson's book, *Parliamentary and Forensic Shorthand*, a copy of which I have the pleasure of owning, in which the phonetic idea was emphatically inculcated, though his reduction of his teachings to practice was by means of an alphabet *not* phonetic. The claim that Mr. Towndrow has made, and the claim that those other shorthand writers have made, are not without foundation. Of course, the elaborate titles of the old authors, and the great claims which they put forth in their own praise, we are all familiar with. I know those old books. I think I have every one of those that Mr. Beale has referred to, except one, and I have, in addition, the Lewis, which he seems not to have. There was reason, sometime, perhaps, for the peculiar assumptions which those men made. We may remember that at that time shorthand was looked upon by the masses as somewhat of a miraculous thing; and that is one reason, in my view, why at the present time, or for the last twenty-five years, there has been a little hesitation in treating it on the basis of plain, ordinary science. Legislation has not treated it in exactly the same way in which it has treated many other sorts of business; legislative hands to its disadvantage have been withheld — and its normal course has been maintained. I know, when I was a young fellow, learning shorthand, it was regarded as something which the ordinary person could not acquire. A person, when he undertook it, assumed, it was thought, to possess an intellect of abnormal brilliancy.

I understand, Mr. President, the time is about up, and I am ready now to withhold the few further remarks I wished to make on this subject, for the time is pressing. I did not assume that we would undertake to discuss the history of shorthand very much.

Upon motion of Mr. Ruso, adjourned until the following morning at 9 o'clock.

SECOND DAY — FIRST SESSION.

The meeting was called to order at about 10 o'clock by President McLoughlin.

The following paper was read by Mr. Arthur Head (honorary member):

THE STENOGRAPHIC INCOMPETENT, AND WHAT SHALL BE DONE WITH HIM.

BY ARTHUR HEAD, TOWANDA, PA.

There is at the present time no subject connected with the practice of shorthand, of greater importance to the profession, or which more urgently demands our thoughtful and earnest attention, than the army of unskilled and incompetent stenographers which has come into existence within the last decade, and the members of which are now crowding themselves with eager persistence into every branch of stenographic work. The encroachments of the incompetent stenographer, even upon the most important and difficult branches of reporting, are beginning to be felt in a very pronounced degree, and the time is at hand when the competent stenographer must assert himself in an unmistakable manner if he would save his chosen profession from discredit and himself from the competition of unskilled and incompetent men. A writer in a recent stenographic magazine made the assertion that "the average stenographer of to-day is incompetent," and it is to be feared that this statement is much nearer the truth than many of us would like to admit.

As a result of this condition of things the truly competent stenographer finds his emoluments steadily decreasing, and the sphere of his employment growing more circumscribed each year. It is no longer an infrequent occurrence that the able and experienced reporter, who has added years of careful and conscientious work to the more thorough preparation, finds himself supplanted by some incompetent fledgling through political or personal influence. We all remember the case of Andrew Devine, late stenographer of the house of representatives, and one of the most able and accomplished reporters in

America, who was removed by Speaker Keifer to make room for a political favorite, and the humiliating failure made by the new appointee. To be sure, there is a sort of grim satisfaction to the profession in the thought that the incompetency of this fledgling was so quickly detected, and that the prompt exposure of this act of injustice, and the public agitation which followed, were the direct cause of the political downfall of Mr. Keifer. But unfortunately exposure and retribution do not always follow these acts of injustice so promptly. It is scarcely conceivable that Mr. Keifer, unscrupulous spoilsman though he was, would have committed this blunder had he possessed even a moderate conception of the training and ability necessary to fill this important and responsible position.

This incident simply illustrates the fact that the ignorance of the average layman on the subject of shorthand is the strong tower of the incompetent stenographer, and the one thing which makes his continued existence possible. To him a stenographer is a stenographer, whether he has spent a lifetime in the successful practice of his profession or has just graduated from some three-months school; and he is unable to comprehend why his daughter or his nephew or his niece, with a brand new diploma from So & So's "shorthand college," is not perfectly competent to report the proceedings of any legislature or court. Did not So & So advertise to teach shorthand in three months, and did not his daughter pay her money and take the full course? Who, then, shall say that she is not a stenographer as much as Mr. Munson, Mr. Osgoodby or Mr. Rose, who have devoted the labor of a lifetime to the art, and whose hair has grown gray in the practice of the profession? That any special physical or mental faculties, or any special training of those faculties, if they exist, or any special preliminary education, or any special training in any particular branch of reporting, is necessary to make a successful stenographer, are thoughts that have never entered his mind. The popular idea is that a stenographer is one who has learned to write by "sound," and that when he has once learned to analyze words into their phonetic elements, and to represent those elements on paper, he is a stenographer, and therefore competent to report any speech or language on the face of the earth. The fact that, in addition to this, a shorthand vocabulary of thousands of words must be mastered, that long years of painstaking application must be devoted to the work, and that it is only through great tribulation of patient and persevering labor that one can become a competent reporter, he is entirely unable to comprehend.

One of the first and most noticeable effects produced by this condition of things is the lowering of the status of the profes-

sion in the eyes of the public. And why should not this be the case? For how is the public to judge of the value of any class of men or things except by the samples with which they are familiar? It is not only natural, but just, that the status of any profession should be fixed by the average standing of its members, rather than by the standing of its lowest or highest class.

Another and not less noticeable effect of the incompetent stenographer is the lowering, not only of the average compensation of stenographic work, but the lowering of the compensation of really capable members of the profession. For where the employer is unable to discriminate between the capable and incapable stenographer, it is but natural that he should choose the cheaper of the two, and the result is that very often the really capable and efficient stenographer must accept the wages of an incompetent, or go unemployed. And, again, the work turned out by these incompetents only tends to confirm the low estimate in which the public holds the profession of shorthand.

The disposition of the profession in the past has been to ignore or treat with contempt and ridicule this army of incompetents, but the time is past when the matter can be thus put aside. The subject is becoming more and more important, and is forcing itself upon the attention of the profession with an insistence which will no longer brook delay, but must be met and settled as it has already been in the professions of law and medicine, and in nearly every profession except our own. The practice of shorthand is now so intimately related to the business of the world that it is impossible for anything to affect its standard of efficiency without also affecting the various branches of business to which it is related. And especially is this so in commercial, legislative and court reporting. How often the most important commercial transactions may depend upon the accuracy of a shorthand writer. How often in our state and national legislatures the most important interests of the state or nation may depend upon the accuracy of a shorthand report, and the same in public councils of various kinds. How often in courts of justice not only the rights of property, but of liberty and even of life itself, may depend upon the stroke of a stenographer's pen. Who shall say, then, that the question of competency or incompetency is not as important to the public as to the profession itself? Is it not, therefore, as much to the interest of the public as ourselves to be protected against the stenographic incompetent? For no matter what the public pays for incompetent stenographic work, the compensation is always more than it is worth.

The number of the stenographic incompetent is legion.

Intrenched behind the popular ignorance of the art of shorthand, he flourisheth like the green bay tree, and spreadeth his branches like the cedars of Lebanon. His varieties are also too numerous for accurate classification. They range all the way from the pretty little gum-chewing tiddle-de-wink, who could not write 50 words of legible shorthand per minute to save her dear soul, to the stenographic whirlwind, the self-constituted, self-advertised and self-glorified "speed champion," who writes 300 or 400 words per minute with greater ease than the really competent and experienced man writes his modest 150 (that is, taking the assertions of the "whirlwind" for fact, and making due allowance for the trifling matter of 30 or 40 per cent. of errors in the transcript.) Of these two classes the tiddle-de-wink is really the least harmful, because she is perfectly satisfied to be a tiddle-de-wink, makes no pretension to be anything else, and is therefore usually taken at her real value; while the "whirlwind," by his noisy boasting and self-glorification, often succeeds in deceiving the public to the extent of making some ignorant people believe that the majority of stenographers are even less competent than himself.

Between the tiddle-de-wink and the whirlwind are numerous varieties and classes of incompetents. Some are incompetent because they lack the temperament and nervous organization and the quick perception which are indispensable in the practice of the art. Others because they lack the mental capacity to master its numerous details, and still others because they lack a sufficiently thorough education in the common branches of grammar and orthography, to say nothing of the broader education which is indispensable to every one who expects to rise above mediocrity in the profession. Again, there are those whose ability and education appear to be sufficient, but who lack the sound judgment and common sense which are necessary to make a successful *verbatim* reporter. For though I have the "stenographic temperament" *par excellence*, and the best education that the country can afford, and though I write with the pen of an angel and the speed of a stenographic whirlwind, and have not gumption, all these things are as sounding brass and a tinkling cymbal, and I am a stenographic incompetent still.

Perhaps we should not expect the general public to have much knowledge on this subject; but one would suppose that intelligent and educated men, who are brought into daily contact with shorthand work, would have some reasonable conception of its possibilities and limitations, and of the amount of skill and experience required for its successful practice, and this ought to be true of the legal profession above all others. And yet, surprising as it may appear, there is no class of employers who give more encouragement to the stenographic incom-

petent than the members of the bar, or who seem to have a more imperfect appreciation of the difference between competency and incompetency, or the true value of first-class stenographic work. How often do we see a lawyer's amanuensis or office girl who is scarcely competent to take a slow dictation, brought by him before magistrates, coroners, arbitrators, referees and masters to take the testimony of witnesses where important issues are involved. Some years ago a middle-aged woman called upon me to inquire what books she would need to begin the study of shorthand. She was of very ordinary mental calibre, very defective education, especially in grammar and orthography, of phlegmatic temperament, without a single natural or acquired quality essential to make a stenographer, and had for some years been employed as a domestic in a neighboring family. On questioning her as to her ideas of the study of shorthand, she informed me that she was tired of doing housework, and wished to get some *easy* employment, and that Mr. Soandso, a prominent lawyer in town, who himself employed a stenographer in his office, had advised her to study shorthand. This incident fairly illustrates how imperfectly many otherwise intelligent people comprehend the natural ability, the education, the study, the time, the practice and experience essential to make even a moderately competent stenographer.

It would therefore seem that inasmuch as the incompetent stenographer exists and flourishes only through the ignorance and misinformation of the public, one of the first things to be done is to enlighten the public as far as possible upon the subject of shorthand. They should, if possible, be made to understand something of the limitations of the art. This would do much towards correcting the false ideas obtained by many people from the vaporings of the stenographic whirlwind. On the other hand, a correct knowledge of the possibilities of shorthand would have a very depressing effect upon the market for stenographic tiddle-de-winks. Again, they should be made to understand that there is absolutely no royal road to a practical knowledge of shorthand, that reporting is not a mere mechanical art, but a profession the successful practice of which requires a high degree of judgment, a broad and liberal education and years of special training in each particular branch of shorthand.

But this information can never be conveyed to the public by means of papers and discussions published in the "Annual Proceedings" of shorthand conventions, nor yet by articles published in shorthand journals, for the simple reason that these publications never reach the people whom it is desired to instruct. If the people are ever to be thoroughly informed upon the subject of shorthand, it must be through some medium

which will keep the subject constantly before them, and which reaches every department of industry where the art of stenography is known. There is only one such medium known to modern civilization, and that is the daily and weekly press. True, a large class of intelligent readers may be reached through the medium of some of the most popular monthly magazines, but even the most influential of these fall far short of the daily and weekly newspaper in their potency for educating and molding public opinion.' How to secure an entrance to the columns of the press or enlist its services in our behalf may require some thoughtful consideration and tact; but it would seem that if stenographic quacks can enlist the services of the press to disseminate their absurd and ridiculous stories, it should not be impossible for the conservative and competent element of the profession to obtain the same privilege, for the purpose of disseminating the truth, and there is scarcely a doubt that if proper efforts were made little trouble would be found in securing the publication of such information as might be thought necessary or desirable for this purpose. And yet all this is simply preliminary to the steps which must ultimately be taken to protect the public and the profession from the incompetent stenographer.

The legislatures of nearly every state have seen fit to protect the public against the consequences of their own ignorance by enacting that none but persons of known skill and competency shall be allowed to practice medicine, and this competency must be established by a thorough examination before a board of experts. No one is quicker to recognize the value of ability and experience in his own profession than the lawyer, or more jealous of the prestige which such experience gives. The avenues of approach to the legal profession are guarded in the most thorough and careful manner. No one is permitted to even enroll his name as a student without first passing an examination to determine his fitness to enter upon the study of law. He is not only required to submit to a prescribed course of study extending over several years, but he must serve an apprenticeship of at least one year in the office of a regular practitioner before he is permitted to present himself before the examining board. And after having run the gauntlet of his preliminary examination, after having completed the prescribed course of study and served his apprenticeship in an office, after having successfully passed his final examination and being admitted to the bar, he is still justly considered a novice, whom no man of sense and business discretion would think of trusting with an important case.

On the other hand, the aspirant for stenographic fame enters upon the study without preparation or examination of any kind,

and often without either mental, physical or educational qualifications. He pursues the study at his own sweet will, and when he considers that he has mastered the art, or becomes tired of study, without test or examination of any kind, he hangs out his shingle, and, presto, he is a stenographer. Is it any wonder that there are thousands of persons holding themselves out to the public as "stenographers" who are incompetent to do even the simplest amanuensis work? Is it any wonder that, when these incompetents are included, the average proficiency of the shorthand profession is shamefully low? Is it any wonder that shorthand fails to take the rank to which it should be entitled among the professions of the day? What would be the effect upon the average status of the professions of law, medicine or theology if the flood gates were opened and every person, without regard to natural capacity, preparation or training, were permitted to prescribe his own course of study, to follow it at his will, to drop it at his pleasure, and enter upon the practice of the profession without let or license of any kind, whenever he saw fit? And is it not passing strange that business men and lawyers, who understand so well and appreciate so highly the value of ability and experience in their own professions, are the ones who oftentimes give the greatest encouragement to these stenographic quacks, whose incompetency not only brings discredit upon the profession, but jeopardizes the interests of their employers as well?

No person is permitted to teach even an elementary school without first passing an examination before the legally constituted authorities and receiving a certificate of his fitness so to do. Laws have been passed protecting the public against unskilled and incompetent artisans of almost every kind. Within the past year a bill was introduced in the legislature of this state providing for the examination and licensing of barbers by a board of experts; and even the scavengers in our cities are required to be licensed, lest the public health be endangered by the unskilful performance of their duties. But in the profession of stenography, where not only the rights of property, but the right of liberty and even life itself may depend upon the stroke of a pen, no such safeguards exist. The most incompetent and unskilful persons enter the profession at their own pleasure and crowd themselves into the most important and responsible positions, not only to the injury of experienced and competent men, but to the disgrace of the profession and the injury of the public as well. What would be thought if every student of law or medicine, as soon as he had acquired the merest smattering of the profession, were permitted to enter upon its practice at his own motion, and begin experimenting with the property and health of those who, through ignorance or misinformation, could be

induced to intrust themselves to his care, or to set himself up as a teacher or "professor" of law or medicine, and proceed to unload upon the market batch after batch of "graduates" authorized to practice their profession without hindrance or restraint, and without inquiry of any kind into their fitness so to do? Yet this is exactly what is taking place from one end of the country to the other in the matter of shorthand. As soon as a young man has acquired a smattering of the elements of shorthand, with no knowledge whatever of practical reporting, with no ability to do even common amanuensis work, he advertises himself as a "professor of stenography" or as "principal" of some "shorthand college," and the incompetent pupils of these incompetent teachers are turned loose upon the public by thousands every year.

Is it at all surprising that the public regard the profession of shorthand as one of the commonest arts, for the practice of which neither ability nor preparation is needed? There seems at present to be no practical and effective way to remedy these evils except by the enactment of a license law prohibiting the practice of shorthand except by those who hold certificates of ability granted by a board of thoroughly qualified and competent experts. Why should the profession of shorthand receive less protection than that of law, medicine, teaching, or the art of plumbing, or even gathering garbage from our streets? If it be thought that the competent and experienced stenographer, who has spent the best years of his life in acquiring that proficiency which only long years of laborious and painstaking application can give, is entitled to no protection against his inexperienced and incompetent competitor; yet the great interests which often depend upon the accuracy of a stenographer's work demand that the public should be protected against the consequences of their own ignorance in the employment of stenographers, as much as in the employment of lawyers, physicians, plumbers and various other artisans. It would perhaps be an act of great presumption for me to attempt to set forth in detail before this convention what the provisions of such a law should be, nor would the limits of this paper permit. These are things which must be worked out by those having its preparation in charge. While the subject may not be without difficulties, and while some points can perhaps be settled only by experiment, it does not seem that the difficulties of framing such a law are any greater than those of framing many other similar laws. If it be thought that by reason of the large and varied fields of shorthand work there should be different grades of license, this could be provided for the same as it now is in the case of public school teachers and several other professions.

Perhaps one of the most important provisions of such a law

would be that in regard to the constitution of the examining board. As examinations of stenographers are now conducted by civil service boards and committees of various kinds, they are oftentimes a delusion and a farce. And what else could be expected, when the examinations are conducted by those who have little or no knowledge of the practice of shorthand themselves. Imagine a candidate being examined for admission to the practice of law or medicine by a board of laymen who had no knowledge of the profession in question. The very enactment of a license law implies the admission that the average layman is not qualified to determine the question for himself; and such being the case, the absurdity of appointing him to determine the question for others is self-evident. No greater farce could be conceived than the attempt to determine the competency of a stenographer by a five minutes' speed test, the notes to be immediately transcribed. Such a test would not even determine with any degree of accuracy the speed of the applicant, to say nothing of the other essentials to make a competent reporter. The competency of a stenographer is not measured by the number of words that he can write in a minute or five minutes, or even in an hour; but rather by the neatness, accuracy and dispatch with which he can do the work in which he is engaged, hour after hour, day after day and week after week, and by the judgment and intelligence with which he performs his work. If he has not speed he certainly cannot do accurate work, and if he does not do accurate work it is immaterial whether he has speed or not. No one can do accurate law reporting without a thorough knowledge and considerable experience in court proceedings, nor legislative reporting without a knowledge of parliamentary law and the rules of the legislative body where he is engaged. Nothing could, therefore, be more absurd than to suppose that a person's fitness for court reporting could be determined by his ability to "take" portions of court proceedings read to him for five or ten minutes, or any other length of time, from a printed copy, and no more could his fitness for legislative reporting be determined by adopting the same method with a printed copy of legislative debates. The preparation of these reports is oftentimes more difficult, and a more important test of ability, than the taking of the original notes, and the copying of a report already prepared is of small value in determining whether a candidate could have taken the original notes in the confusion of a court or assembly hall, and of absolutely no value in determining whether he could have prepared an accurate and proper report from such notes. The conclusion from all this is that no layman can possibly be qualified to determine the fitness of a stenographic candidate, and that the examining boards should therefore be composed of practical and experienced stenographers.

The proper methods for determining the qualifications of a stenographic candidate will readily suggest themselves to any experienced reporter, and it would be as presumptuous as unnecessary for me to attempt to point them out; but it is evident that the time is at hand when some system of licensing must be adopted in every state. The matter is becoming more and more important both to ourselves and the public every day, and must soon be met and settled as it has already been in nearly every profession except our own, and the sooner we grapple with the problem the sooner will a solution be reached. Then, and not till then, will the profession of stenography take the place to which it is justly entitled among the professions of the day, and then, and not till then, will the stenographic incompetent cease to exalt his horn, and the stenographic whirlwind cease to blow.

While there may be different opinions as to the proper method of accomplishing the desired results, it may safely be premised that whatever plan is adopted can be successfully carried out only by concerted and organized effort; and it therefore follows that it is of the first importance for all reputable and competent stenographers to organize. It may seem superfluous to urge the necessity of organization in the presence of such an assembly as this; but it must be remembered that this association is probably the only really permanent and successful organization of professional reporters in America, and that the great mass of stenographers, scattered from Maine to California and from the great lakes to the gulf, are practically without any kind of permanent or efficient organization. I am not ignorant of the fact that there are a large number of local and a few state associations scattered about the country, but up to the present time they have not been able to make their influence felt to any considerable extent, even in their own immediate vicinity. Some years ago a state association was formed in Pennsylvania, but after a few years of existence, during which the whole burden was borne by less than half a dozen members, it died the death, and the Keystone state is now without a general organization of any kind. It has been a source of deep regret to me to see the indifference, to say the least, which many members of the profession in my own state manifest towards the formation of an association. It seems to me that the social good-fellowship, the entire absence of jealousies and the high standard of professional ethics which I have observed in my intercourse with the members of this association, and which I believe to be the natural and direct outgrowth of these gatherings, to say nothing of the more material benefits, are alone worth many times the labor and time and expense necessary to maintain the organization. I only wish that the stenographers of Pennsylvania

could see as I have seen, and know as I know from personal observation, the social and intellectual pleasures and the material benefits which flow from an organization of this kind.

All honor, then, to the founders of this association, and to the other faithful members whose earnest and unselfish and self-sacrificing devotion to the cause, and whose steadfast and unwavering faith, even through years of uncertainty and discouragement, have at last changed doubt to certainty and weakness to strength, and brought to its present condition of efficiency and power the New York State Stenographers' Association. Verily this association ought to be an object lesson to the stenographers of every other state.

Col. DEMMING: Mr. President, I rise to a question of privilege. Perhaps I should have risen before, but I didn't want to disturb the speaker, who was in the midst of a very excellent paper. I would suggest that the president appoint a committee of safety, for as I came in the senate chamber was reported to be on fire. I gauged the distance, and I thought it could not possibly reach this room in half an hour, and therefore I did not rise to this question of privilege before.

Mr. LITTLE: I see the president is somewhat doubtful about the situation. He does not remember, perhaps, that Col. Demming came up too late to discover the fire last night; consequently he proposes to put upon us the fire this morning. He commences now. He could hardly wait till the session was started. He is one of the old warhorses of the stenographic profession, and I was very glad to welcome him here. He now starts in for the purpose of keeping up the fire, and the president need not be astonished at anything that may happen from this time on.

Col. DEMMING: Nevertheless, Mr. President, I think the president would better appoint a committee, as, if we wait for some time, it may be difficult for us to get out.

Mr. ORMSBY: Mr. President, as we had "a hot time in the old town" last night, I don't think we need be afraid of having one this morning.

The PRESIDENT: I have a sad announcement to make. I have just been informed that the mother of Mrs. Rose died yesterday, and Mr. and Mrs. Rose have been obliged to leave. I think we all extend our heartfelt sympathy to Mrs. Rose in her affliction. It will be necessary, therefore, for me to change one of the committees which I named yesterday. The committee on place of meeting will be Messrs. Ruso, Shalvey and Law. I would suggest that the committees should endeavor to speedily hold their meetings.

The PRESIDENT: Mr. Hill proposes for honorary membership Mr. Albert Horton, of Ottawa, Canada. A motion would be in order for Mr. Horton's election.

Mr. Little moved to proceed to the election of Mr. Horton, whereupon Mr. Horton was unanimously elected an honorary member of the association.

Mr. HORTON: I thank you, Mr. President and members of the association, for this honor which you have conferred upon me, and which I shall endeavor to sustain as far as in me lies in future.

Mr. Martin read the following proposed act, prepared by Mr. Timothy Bigelow, stenographer of the supreme court, Brooklyn, together with reasons suggested by him and by Mr. Requa, also stenographer of the supreme court, Brooklyn, together with an informal note from J. B. Carey, stenographer of the same court, saying that he favored the bill:

PROPOSED ACT FOR RETIRING COURT REPORTERS.

Any stenographer who has served officially in that capacity in a court or courts of record for a period of fifteen continuous years shall, in case of resignation or discontinuance of such duties, be required to furnish transcripts of his notes during the period of two years thereafter, for which he is required by law to preserve them, and shall be entitled to a continuance of his salary during such period, provided he shall remain within the jurisdiction of the court and furnish said transcripts at the rate now fixed and prescribed by law.

REASONS.

1. Fifteen years' service will be a guarantee of good faith. It will also exclude the imputation of incapacity, but will not exclude the idea of wearing out.

2. Transcripts can only be made satisfactorily by the one who takes the notes. The provision requiring a stenographer to leave his notes to his successor to be by him held "with like effect" is of no value.

3. The provision requiring the notes to be preserved for two years needs to be supplemented by some provision for their transcription by the one who took them.

4. Two years after retirement from active work would give a chance to those who might find it important to procure and preserve testimony. Cases have arisen where such transcripts were urgently required, but could not be obtained. In case of death of a witness after a first trial, and before a second, the stenographic notes of his testimony may become all-important.

ADDITIONAL REASONS.

BY CHARLES H. REQUA.

Page 17, sec. 84, N. Y. C. C. P. 1895-6, says: "Original stenographic notes taken by the stenographer are a part of the proceedings in the case, and unless they are filed pursuant to the order made, *they must be carefully preserved by the stenographer for two years after the trial or hearing, at the expiration of which time he may destroy the same.*" He must likewise, upon request, make with all reasonable diligence—what? A copy or transcript. How is he going to make a transcript if he is out of office and out of the jurisdiction of the court?

When is he to make the copy? Within the two years, and do it "with all reasonable diligence." Suppose he is engaged in some more remunerative work than ten cents a folio; must he drop everything and wait around till his term of two years is up to see if he is going to be wanted? He must "preserve notes for purpose of transcription if necessary." Any litigant or party has a right to a transcript, and his right should not be jeopardized or destroyed by allowing the severed official to go where he pleases. The passage of this act simply would guarantee that right by compelling the stenographer to remain within the jurisdiction of the court and be get-at-able even if out of official position. *The stenographer should be compelled to remain within the jurisdiction, or the provision requiring preservation of notes for two years is useless.* If he is to remain within the jurisdiction so as to furnish transcript within the two years and comply with the provision already in the code, he should be paid.

What other official connected with any department, state, national or municipal, is required by law to stand around for two years waiting to see if he is to be wanted? None; therefore we say, if we must wait within the jurisdiction to see if our services are to be required at any time within two years, pay us for our attendance. In addition to Mr. Bigelow's third reason, "The one who took them (the notes) is the one to transcribe them," and if he is not accessible, no proper transcript can be made, and hence the right of the litigant to obtain minutes destroyed.

The passage of this act would do more to make vacancies than anything we can think of. Vacancies created means official positions thrown open to many worthy and competent stenographers. It would also give the retiring official an opportunity to resign decently and retire in good order without having his head cut off by some judge having the desire and the knife. The more you consider this proposed act the more will it appeal to your sense of justice and decency. We have no doubt that if the N. Y. S. S. A. indorses it, it will go through without difficulty.

PROPOSED ACT FOR LICENSING LAW REPORTERS.

The PRESIDENT: Now, if the gentlemen from New York are ready, I think the attendance is large enough for them to proceed. We will take up the conference with the committee from the Association of Law Reporters of the City of New York. Inasmuch as I would like to have something to say on the subject myself, I will ask Mr. Kelly to occupy the chair.

(Mr. John E. Kelly assumed the chair.)

Mr. LITTLE: Mr. President, if I may be allowed a suggestion, it might be proper to consider the proposition of the New York city association in conjunction with the last paper read, so that, when the proposition is discussed, those subjects in that paper which are substantially on a parallel may also be considered when it is desirable, so that there may be a double result—a discussion of the paper read and a discussion with the gentlemen from New York.

Mr. Sidney C. Ormsby, chairman of the committee from the New York city association, opened the discussion, as follows:

Mr. President and Brother Law Reporters:

I do not call you stenographers, because the members of our association believe that, although every law reporter must be a stenographer in the broad sense of the term, there is yet a wide distinction between the intelligent, well-educated and highly trained exponent of the art of shorthand writing and the budding neophyte who devotes most of his or her time to the work of transcribing letters and incidentally butchers testimony whenever the occasion offers, at the munificent salary of ten dollars a week. There are in this state probably not over three hundred of the former, while there are over 25,000 of the latter, and we feel that it would give us a better standing if we could shake off the appellation "Mr. Stenographer," which applies equally to all who write shorthand, and which instantly associates us in the public mind with the lower salaried and least capable branches of the profession. However, that is another story, as Kipling says, and one which I think could be threshed out by this association with as much profit as we have found in discussing it.

I stand here to-day as the chairman of a committee of five, sent to you by the Association of Law Reporters of the City of New York, to convey an invitation to this association, and although I will not take up much of your time, I think it necessary to present in as short a form as possible a brief history of our association and its aims and objects, for your better information.

One year ago last February, about thirty-five law reporters of the city of New York met at my office, pursuant to a call, to consider the advisability of applying for legislation to license stenographers. Without going into that question, although there were a great many in favor of it, it was the opinion of those present that it would be better to first organize an army before proceeding to fight a battle, and that an association of stenographers could get such legislation much easier than a lot of individuals, and at the same time in a measure legislate for its members on a great many subjects of interest to the profession. After a few preliminary meetings the Association of Law Stenographers of the City of New York was selected as the name, a constitution and by-laws were adopted, officers elected, and the executive committee entrusted with the organization of the association. Our constitution called for a speed test of 150 words per minute for five minutes, and this test has been applied to every member of the association. Although it has, unfortunately, kept some good stenographers out of the association, it has undoubtedly given us strength, because it has also kept out more poor ones. Our executive committee sent out a good deal of literature, samples of which you will find on the secretary's table, and I personally interviewed nearly every person in New York who is eligible to our association. The result is that to-day we have forty-nine members out of not more than seventy-five or eighty stenographers in the city of New York who are eligible for membership, which we feel is an unusually creditable showing for so young an association. We hope to have them all in time, for there are many questions which we cannot dispose of unless we have in the association substantially every one in the profession. We have no hard feelings for those who have not joined in our effort, and our aim is ultimately to persuade them to come in for the protection of their own interests.

Considerable time was spent in sending out invitations to members of the profession to join and examinations of members, and one year ago last May we held our first meeting. Committees were appointed to take up, consider and report on various matters, and last fall we got to work. The committee on legislation reported that it would be advisable to wait a little while before proceeding with that matter, and that it would be wise to have the association incorporated. We first took up the code of practice, a few copies of which your secretary has, and which I think it will be worth your while to read, as we consider it very important. He also has some of our rate cards, designed for distribution among our clients, which speak for themselves.

In our code of practice, while we affirm the independence of

the individual, we also state that we believe that, so long as an association subserves the interests of its members, they may properly surrender to it the right of acting for them. We then agree to maintain, among ourselves, the rates that have existed for more than a generation, and specify what they are. We also agree on exchange rates between members, and to give members the preference in exchange work. As between members, there can be no cutting of rates; but where a member meets a law reporter not a member of the association, who cuts the established rates, he is at liberty to meet the cut or even go below. In other words, we hold out the right hand of fellowship to all who live up to the proper practice of the profession, whether members of our association or not, and although we do not deny the right of any one to do as he sees fit, we decline to give him any help in what we deem improper practices. This is not trades unionism, as some have asserted, but the method adopted by the learned professions of law, medicine and the arts. We also agree not to work for any one not an expert law reporter for less than the full rates, on the theory that a typewriting office, pure and simple, is not entitled to trade rates any more than, if as much as, a law office. There are several other matters touched on in the code, the principal one of which is a resolution permitting members to make certain exceptions from the regular rates.

We next proceeded to procure the incorporation of the association, and to accomplish this we found it would be necessary to revise our constitution and by-laws. This again took time, and we seized the opportunity to make several important changes in them, among which was the change of the name from "The Association of Law Stenographers" to "The Association of Law Reporters of the City of New York."

Our association is organized to foster and protect the interests of professional stenographic reporters doing business in the city of New York, to procure uniformity and certainty in the customs and usages of the profession, and to promote a more enlarged and friendly intercourse among its members; and the last of these objects is not the least, and has alone met with more than sufficient success to warrant our existence.

We believe that we are stronger collectively than we are individually; that if great numbers of unskilled people, like railroad employes and longshoremen, by combination can lower their hours of labor and raise their pay, and if skilled people like doctors, lawyers and artists can combine with profit, it ought to be possible to unite together seventy-five or eighty intelligent stenographers in the city of New York, or three hundred in the state, to organize to protect their interests. It would seem rather late in the day for any one to deny the utility of asso-

cial effort in any trade or profession, and yet that has been one of the chief prejudices we have been obliged to overcome among law reporters.

In forming our association we recognized that the expert stenographic field was occupied by two forces, whose interests in many respects were not identical, and so we decided to limit our membership to those in the active practice of the profession of stenographic law reporting not holding official positions. This distinction was made not from any spirit of hostility to the official stenographer, but mainly because we desired to emphasize the difference between the official stenographer, with his salary and fees fixed by law, and the non-official stenographer, with his fees established by custom and no salary, which fees too often are sought to be reduced by comparison with the fees charged by official stenographers for transcripts. When a judge of the supreme court so far loses sight of the difference in the methods by which official and non-official reporters secure their compensation as to write an opinion stating that, as the official only charges ten cents a folio, it is a gross imposition for the non-official to charge any more, it seems to us an appropriate time to educate the public as to the difference between the two; and this we think can be better done by separate associations, each legislating for itself, but combining where their interests are mutual. We have urged and shall continue to urge on the official stenographers the propriety of forming an association for themselves, and holding joint meetings with us where such meetings can accomplish any good.

Your president, Mr. McLoughlin, brought to my attention, last February, the possibility of doing something towards securing legislation by the last legislature, but I was unable to overcome the conservatism of some of our members who did not desire to do anything in a hurry that they might regret afterwards, and we did not take up the subject in earnest until last May, when, after voting, first, that legislation was desirable, and, second, that we ought to try and procure it from the legislature which meets next January, a committee was appointed to draw up a bill, which was afterwards presented to a full meeting of the association, and the bill which we now present to you is the result of our labors. At that meeting it was voted to send a committee of five to the state association to invite you to consider the subject, draw up a bill which would meet your views, and hold a joint meeting under our auspices in New York city in September or October next, to which the members of both associations should be invited, and also every law reporter whose interests would be affected by such legislation. We believe that such a meeting could evolve some bill that would be satisfactory to the great majority of the profession, and that that is the bet-

ter way to go about it, rather than to have some individual member of the profession undertake to get a bill through single-handed, without consulting any of those affected by it, and satisfactory only to himself, as was done some two or three years ago. We desire to impress upon you particularly that this bill we present is only tentative, and that it may be changed, altered or amended in any way so long as it is satisfactory to the majority of the profession, and that the only possible way of getting that approval we conceive is through the joint meeting to which we now invite your attendance.

Our committee desires to present to you an argument in favor of legislation, and an answer to all possible objections to applying for it, and we have selected as our spokesmen Mr. Edward Carroll, Jr., whom I take great pleasure in introducing to you.

MR. EDWARD CARROLL, JR.: Mr. President, ladies and gentlemen, I feel that it is almost unnecessary and superfluous to make any argument in favor of legislation for the licensing of stenographers, bearing in mind the practical consensus of opinion in your association and our association as to its desirability. The state association for some years past has mooted this question. Various bills, I believe, have been drawn. For various reasons, such bills were not acceptable to a majority of the profession, and did not receive the support necessary to bring them before the legislature.

There has never been any serious question in our association as to the desirability of licensing stenographers and securing legislation in their behalf. But as a formality I feel that we should set forth two principal reasons why we ask for legislation; and in order that our desires may not be defeated, I think it well to anticipate some of the possible objections to legislation.

We are repeatedly told that if there were enough business for all of us there would be no stenographers' association, and no discussion in regard to licensing stenographers; in other words, if our present business and status were satisfactory we would seek no change. For the sake of argument, let us assume this to be true, and that we would all be short-sighted enough if present conditions were satisfactory to make no effort to secure conditions which would be permanently so. But our present business and status are not satisfactory, and while we cannot hope to make them wholly so, it is our duty as individuals and as an association to do what we can in that direction.

Let us endeavor to see what is unsatisfactory in our present condition, and whether it can be remedied by legislation.

First. There is no general differentiation between the *verbatim* shorthand writer and the amanuensis. This subjects us to a merciless and unfair competition. Work requiring the skill of

the *verbatim* writer is often given to amanuenses, and the interests of litigants jeopardized. It makes but little difference to us why such work is diverted from its rightful and natural channel. What we should seek to do is to dam up the unnatural channel so that work requiring *verbatim* skill can only flow through the proper channel. The counsel's regard for the interest of his clients is not sufficient, nor has moral suasion, as yet, prevented the entrusting of difficult work to the incompetent. While we fully admit that any one has a perfect right to employ as good or as bad an amanuensis as he chooses, we deny that one has the right to employ an unskilled stenographer to make the records on which the interests of others than himself rest; and we believe that a state which has never questioned the wisdom of subjecting applicants to the bar to an examination to show at least a minimum fitness for the duties they would assume should not render that work partly nugatory by permitting persons of unknown capacity to record the words of its attorneys in cases involving the life, liberty and property of its citizens. Indeed, in the appointment of official stenographers the state has long recognized the necessity of a qualifying test, and previous to the present method of competitive civil service appointments official stenographers had to pass the qualifying test of writing one hundred and sixty words a minute. This being so, we see no reason why the person undertaking to make a record before the acting court, a referee, should not be also of a proved minimum fitness.

There is no differentiation between the *verbatim* shorthand writer and the amanuensis, while shorthand writers are clearly divisible into these two classes by us, and we clearly recognize and know the difference between the amanuensis, who may be a person capable of writing anything from thirty to one hundred and forty words a minute, whereas we know that no one can claim to be a *verbatim* writer who cannot write at least one hundred and sixty words a minute, that being the minimum capacity required of court stenographers by the qualifying test which existed in New York. The absence of this designation results frequently in a comparison of the money value of the services rendered by the *verbatim* writer with the rate of remuneration of the services rendered by the amanuensis, which latter is oftentimes taken as the measure of the former. We believe that a license to do *verbatim* work would do away with this unjust comparison and its oftentimes provoking sequel. It would, in our opinion, establish the *verbatim* shorthand writer on the true professional basis which he should occupy. We believe the expert law stenographer to be a professional man and not a mere clerk, and that legislation establishing that position would accord him the same attendant benefits which have followed similar legislation in regard to other professions.

Second. The amount of business to be done is practically a fixed quantity. We will assume that the records in all cases which need and can bear the cost of stenographic work are now taken in shorthand, and that during a fixed time the number of litigated cases bears a certain relation to the population. In other words, that business has reached its maximum. We must, therefore, as we cannot further increase the amount of business, seek to limit it to those who are competent to do it.

We believe that the amount of work has already reached the maximum, and that the only way to better our position in this matter is to require that only competent persons be employed to perform that work. We know that individual opinion of the competency of professional men or craftsmen varies so greatly as to form no standard by which competency can be judged. All experience tells us that there is some fixed standard of minimum capacity in all professions and crafts, which, if a person cannot meet, he is utterly incompetent to follow that craft or profession.

Having agreed upon some standard, we next seek to make that standard effective by asking the legislature to prohibit persons not measuring up to it undertaking to do work which that standard shows the minimum capacity required to perform. We all believe that if the making of records in law cases were confined to competent stenographers, that there would be a reasonable amount of work for all competent practitioners, and we believe that nothing but the competition of persons not stenographers, but amanuenses, has made such serious inroads into the stenographic business. There is hardly a competent law reporter who does not every year find himself put aside in from three to six cases in favor of some amanuensis. We all know that a large proportion of the work in references, which, in my opinion, requires quite as much ability as any other class of law work, is largely performed by office stenographers who have not the capacity nor the practice necessary to keep them in condition to report such cases properly. We do not believe that this is a fair competition. We believe that if the lawyer is protected from competition with a person professing to be a lawyer, who is not licensed; if the doctor is protected from competition with the quack, or the unlicensed dispenser of medicines, that the competent stenographer, who has devoted years to the mastery of his art, should certainly not be subjected to competition with amanuenses whose fitness to do work has not been shown. In other words, we believe that work requiring skill should be done by skilled persons, whose skill has been attested by properly appointed officials.

Heretofore we have only considered the subject from the standpoint of the stenographer. We now propose to consider

it from the standpoint of the citizen. We believe that each man is entitled to have the record of a case in which his interests are involved properly reported by a competent person. We know that there are competent persons to do this work. We know that the fees charged are practically the same whether the service is rendered by competent or incompetent persons, and we believe that it is a serious injustice when the interests of the litigants are jeopardized by the employment of an incompetent and unqualified recorder; and while every one has the right to employ as inefficient or efficient a clerk or amanuensis as he desires, he has no right to employ an inefficient person to make a record on which the interests of others rest.

When the subject of legislation was first taken up by the Association of Law Reporters of the City of New York there were various objections raised to any effort on our part to secure legislation licensing stenographers. The one which seemed to have most force and received most attention from the opponents of legislation was the fear that if we went to the legislature asking for restriction in the practice of the profession, that the legislature would seek to impose terms upon us by fixing our fees, and probably reducing the charges now made for stenographic work. This fear we believe to be unfounded and extremely remote, and such an attempt would be opposed to the known policy of the state in relation to the right of parties to make contracts, and even if attempted, practically ineffective, because it would lie in our power, having been licensed and being the only stenographers authorized to take notes of certain proceedings, to refuse to do the work at the rates fixed, should these rates be less than we cared to accept. We know of no instance where the state has attempted to fix the fees of any person or corporation that is simply its licensee, and that bears no contractual relation to it; the contractual relation being the basis on which the state interferes. We all know that the fees authorized to be charged by official stenographers are fixed at so much per folio, but their position is not analagous to ours. In consideration of the receipt by them of a salary varying in different parts of the state, and reaching \$2,500 in New York city, the stenographer is under an implied contract to furnish transcripts at the rate fixed. In other words, that is a part of the consideration of the contract of his employment; but we all know that in cases where daily copy is wanted, and the terms of his contract are thereby changed, the stenographer is not confined to, and does not confine himself to, the fixed rate and charges, instead of ten cents a folio frequently charging twenty cents to each side, making the rate for two copies forty cents, as against a rate of thirty cents charged by us without any salary. In other words, we think that the basis on which the

state assumes to fix the official stenographer's charges is that the stenographer is a paid employe of the state, receiving a fixed salary, not because he is a licensee. He has no license in the sense that we ask to be licensed. The state will pay us no salary; we enter into no contract with the state. There is no reason, therefore, why the state should attempt to fix our fees. The state licenses physicians, lawyers, doctors, plumbers, veterinary surgeons, dentists, expert accountants, etc.; and yet it does not attempt to fix their fees, and if it did, of what avail would it be?

Some time ago the state attempted to fix the fees of referees. Where the referee was a man of limited practice and was willing to work for the *per diem* allowed by the state, it was accepted, but in probably the majority of cases in our larger cities almost the first question asked by the referee for the record was, "Gentlemen, what do you propose to do in regard to the referee's fees? Of course, you understand I cannot sit for the statutory fee." Whereupon counsel invariably agreed upon a different and higher rate.

We realize that our position is very different at present from that of the referee; that while both counsel are anxious to secure the good will of the referee, they are not equally anxious to secure that of the stenographer, who, owing to the competition before spoken of, and the number of so-called stenographers who are anxious to secure business for which they are not fitted, is looked upon as the last person to be considered, and ought to esteem himself fortunate to secure a bare livelihood. But if such work were entrusted solely to competent men, we believe that our position would be a very different one, and that the securing of a competent stenographer to report a case would not be as easy as it is now to secure a so-called stenographer.

In concluding, gentlemen, let me try to impress upon you that in asking for legislation let us ask for that which we really wish; let us not make the standard so low that, if our request be granted, the grant would be of no use to us. If we ask to be licensed as *verbatim* writers, let us put the test where at least a minimum capacity for the work undertaken to be done will be shown. It would be obviously ridiculous for us to go to the legislature seeking a license as competent stenographers and then to put a test lower than that which would show a minimum *verbatim* capacity. We all know that the maximum *verbatim* capacity is within the reach of but few experts, and that if the test required an exhibition of maximum *verbatim* capacity the stenographic work of any state in this union would be brought to a halt. We believe that not less than a speed of one hundred and seventy-five words a minute for five consecutive minutes is any commensurate test of *verbatim* capacity. None of us would

venture to send on an important and hotly contested case a writer who we did not believe possessed more than this ability; and therefore again I urge that if we ask for legislation, let us ask for something which, if granted, will be of material benefit to us.

That, ladies and gentlemen, is the test prescribed in this bill, which, as Mr. Ormsby has explained to you, represents the sentiment of a portion of our association. In a society of American citizens there is very apt to be some diversity of opinion on any given subject, and on the question of what would constitute a fair test of the capacity of a stenographer there is probably considerable difference of opinion. We all practically agreed that something in that neighborhood would be a fair test. Our committee, to a man, I believe, thinks that it is a fair test.

Mr. LITTLE: Let me ask you whether your test of one hundred and seventy-five words includes absolute accuracy?

Mr. CARROLL: That will be a matter, I fancy, for the board of examiners, who are provided for in the bill, to say; not for me. What I would say would not be binding upon anybody.

Mr. LITTLE: If the bill were passed, would it not be necessary to give directions to the board of examiners?

Mr. CARROLL: The bill provides for three stenographers, who shall examine themselves, and, having thus qualified each other, shall then turn around and examine others. Stenographers would probably know how to apply the test of one hundred and seventy-five words a minute for five consecutive minutes.

Mr. LITTLE: I am only asking for the idea of the members of the association as to what they consider the test of one hundred and seventy-five words a minute should include. I should consider it a very important element to decide whether it includes absolute accuracy.

Mr. ORMSBY: Of course they couldn't pass a stenographer who wrote one hundred and seventy-five words a minute and made fifty mistakes in it. It gives latitude.

Mr. LOEB: Does the bill give latitude? It says, "read and transcribe the same."

Mr. CARROLL: Gentlemen, I hardly think it avails to go into the discussion, now, of the wording of this bill, because this bill is to be redrafted and rearranged when the committees come together. The only thing that we present the bill here for is as an illustration of our feeling in the matter, and what we think a fair bill would be. The only thing that we should contend for at all is the essentials of the bill. We don't care about the particular wording of it. It is our intention that the test as to

who can fairly write one hundred and seventy-five words a minute, or who is really a *verbatim* writer, should be included. It is our intention that they shall show a practical fitness.

Col. DEMMING: Would the gentlemen allow me to ask a question? Would you take ordinary testimony as a test, or would you take one of Huxley's lectures?

Mr. CARROLL: The bill itself says, testimony not familiar to the applicant.

The CHAIRMAN: Are there any more papers to be read, or is there any further discussion of the remarks of Mr. Ormsby and Mr. Carroll?

Mr. McLOUGHLIN: I was waiting to hear some expression from some of the officials as to their views of this subject. I would like to hear Mr. Law's view in regard to the matter.

Mr. LAW: I have not sufficiently examined and digested this matter to give a very intelligent opinion. I can say, in general, that I approve of the plan of licensing stenographers, or, to use a better term, law reporters. I agree heartily with the view that has been expressed, that there should be some distinctive line drawn between the law reporter and one who can simply put down marks upon paper, that no one can read unless it be himself. I have not sufficiently examined this proposed bill to know whether this meets the need or not. I do not know that it does not; but on the general principle that law reporters should be licensed, I am heartily in favor of the movement, and on that principle, as an official of the state, I shall be glad to do anything in my power to forward it.

Mr. McLOUGHLIN: I shall only make a few remarks, inasmuch as the gentleman said that he did not care to have any criticisms of this bill, as it was to be redrafted; but there are one or two things that I would suggest, and they are contained in the remarks which I now present.

The necessity of some legislation to maintain the standard of law stenography in this state was never greater than at present. In drafting such legislation, two of the dangers which threaten the stenographic profession in this state are to be considered, and a proposed act which considers only one of them will meet with opposition which may prove fatal to any legislation. The danger which all the proposed bills seek to guard against is that arising from the competition of ignorant and incompetent persons who seek to act as stenographers in important matters, although not qualified to perform such duties, and not asking or receiving compensation such as is usually paid to well-qualified stenographers. This evil has grown to so great proportions that the income of competent stenographers is greatly reduced.

The good name of the profession is also endangered, for the work presented to the courts in transcripts of testimony taken before referees or commissioners is often extremely bad. Under such circumstances legislation fixing the qualifications of stenographers who are to perform such semi-official duties has become a necessity. In drafting the bill it is to be remembered, however, that there is another ground on which attacks are frequently made against the stenographic profession. The courts at times, and lawyers frequently, complain of the burden of stenographers' fees, and make those complaints, usually groundless, a reason for attacking the profession at large. However causeless may be the prejudice thus created, it is impossible to ignore the fact that it exists among persons who are not well informed, and who view stenographers as a particularly grasping class of individuals.

Legislation should therefore be so devised as not to arouse to opposition the prejudices thus formed. An attempt to pass too close a measure of protection might be fatal to any legislation at all.

In considering the proposed act presented by an association of New York stenographers, certain objections to some of its provisions have been noted as likely to foment opposition without adding great strength to the measure itself. For instance, it is provided in section 7: "This act shall not be construed to interfere in any way with the duties and privileges of official stenographers in courts of record, except that no person other than such official stenographer or shorthand law reporter duly examined under the provisions of this act, shall be permitted to take the place of an official stenographer as a substitute." The inference is, that it may be construed to interfere with the duties and privileges of official stenographers in courts not of record. In some of the municipal courts in various parts of the state the official stenographers have duties almost equally important and laborious as those of the supreme court stenographers. In any event, they hold their places after examination and under provisions of law, and any attempt to interfere with them, while it would probably be of no effect in reality, would create needless friction. The act contains no provision whatever by which, under special circumstances, where an official stenographer could not be obtained in some small town or village, any other stenographer could be engaged. Such cases, while they rarely exist, may occur, and the bill ought to be elastic enough to provide for the employment of an unlicensed stenographer where no licensed stenographer could be obtained, on proof of the impossibility of securing the services of a licensed stenographer. No exception is made in favor of official stenographers

of less than ten years' service, who may not care to undergo an examination, although they are competent to perform their work. The bill is also carelessly drawn in several respects. For instance, it provides that the appellate division shall appoint commissioners within thirty days after the passage of the act, and afterwards provides that the act shall take effect ninety days after its passage. The power to appoint commissioners would not be given until the act took effect, and then the justices would have no power at all under the provisions of the bill, as the appointments must be made within thirty days after its passage, or sixty days before it goes into effect. A prohibition against the taking of stenographic notes by an unlicensed stenographer to be used in a public department of the state or political subdivision thereof is incapable of enforcement under any other provision of the bill, as no penalty attaches to a violation of the prohibition. There are minor defects which should be carefully eliminated, and it would be well if the whole bill were remodeled and made more in accordance with previous legislation on similar subjects. The act for the examination and licensing of attorneys and counsellors is one of the most carefully drawn of these measures, and it is a model on which a more satisfactory measure might be drawn. In order to meet the criticisms directed towards stenographers as selfish, grasping and over-anxious after their fees, the bill should be more elastic than that proposed by the New York city association.

I have two letters on this subject which I wish to read. The first one is from Mr. A. B. Weaver, of Buffalo, who has been for the last year an active and valuable member of our executive committee. I suppose we may take it that Mr. Weaver expresses the views of the stenographers of the western part of the state:

"With regard to the licensing proposition, I think I realize the great desirability of remedying some of the evils that have grown up through entrusting inexperienced stenographers with reporting work; to the detriment of the public and the stenographer; and as I am myself a non-official, the injustice of this state of affairs appeals to me strongly. But objectionable as is the present status, it seems to me that the subject is so dangerous an one to experiment with that it would be far better to leave it as it is than to incur the risk of difficulties still greater and still more beyond control. It has always seemed to me that a license measure would hold up as a guarantee of proficiency something which was inferior to the guarantee which now prevails, and which is much more adequate as a test of competency, namely, an established position as a reporter; that in proportion as the license would carry any weight with the

general public it would deprive the reporter of such protection as he now has, and compel him to compete on an equal footing with those who now have no general standing at all, but who, from one cause or another, would be likely to secure the certificate, even though not qualified by experience to do actual reporting work. Although speed in writing is not the sole element of competency, it undoubtedly is the element which controls, and which must of necessity have prominence in any scheme of examinations as to competency; and to make the examination adequate as a test of competency and as a safeguard against the evils sought to be remedied, two conditions must, in my judgment, be met absolutely and at all times, which from their nature it would be difficult, if not impossible, to meet in practice — first, a high standard, and second, such enforcement of the standard as shall be absolutely uncompromising. Moreover, I have an idea that there are myriads of stenographers who, in anticipation of being certified as competent reporters, could, by a definite course of speed practice, attain the highest rate of speed (for examination purposes) that would be permitted as reasonable and fair, but who, without that incentive, would not develop a speed beyond that required in their routine work as amanuenses; while, on the other hand, it is not improbable that many men of excellent general qualifications as reporters would fall short of the requirements as to speed if the standard were safely high to prevent mischief. Such stenographers as now assume to undertake reporting work without being competent must depend upon the chance favor of one or two individual acquaintances. They meet with no general acceptance on the part of the public. Before they can enjoy that confidence they must have shown by actual work that they are proficient, and must have been engaged in that work for a sufficient length of time to acquire experience and build up a practice. They must resort to the training adapted above all others for developing the qualifications needed. Is it not better to do the best we can with conditions as they are, than to encourage every bright amanuensis in the state to think himself eligible for a career as a certified reporter by going into active training to meet the specific requirements of any examination that may be devised?

"This is probably familiar ground to you, as I understand the question has been agitated considerably in New York, but I have ventured to mention the objections as they occur to me, and which seem thus far to me to outweigh the considerations in favor of the measure proposed.

"I have never happened to read or hear a discussion of the license question, and it is possible that with further light

on the subject I should view it more favorably. If the New York city society desires it, there are doubtless stronger considerations than I am acquainted with or can conceive of, and I am of course open to conviction if my vote on the question should turn out to be material."

The second letter is from Mr. Wat L. Ormsby, one of the supreme court stenographers in the second judicial district. Mr. Ormsby seems to have changed his views on this subject, as in 1895 he was rather violently opposed to a bill, which was then under consideration, drawn by Col. Dickinson:

"In regard to the bill, I suggest:

"1. That a question may arise as to the power of the legislature to regulate the fees of such official stenographers.

"2. It seems to me that in section 1, before the word 'referee,' should be inserted the words 'legislative committee.'

"3. I regard the 175 words a minute test as necessary, and think the S. S. A. should strenuously oppose all attempts to have the test waived.

"Three classes of men in the profession will naturally unite to oppose this feature of the bill:

"A. Men who are unable to meet the test now, although they may have been in the past; that is, who have outlived their usefulness as stenographers.

"B. Men who never have been and never will be able to meet the test, but who have been making a living out of law reporting and bringing it into disrepute by bad work.

"C. Capable business stenographers, who have more work than they can do unassisted, and desire to make an extra profit by hiring cheap, incompetent men at low prices, who furnish reports, with the names of these really capable and efficient business stenographers on the covers, but every other page of which reports reveals the work of the stenographic weakling.

"I hope the bill will secure the approval of the S. S. A.; that the association will stand for honest work. I believe without the ability to meet this test a law stenographer cannot do honest work."

Mr. CHAIRMAN: I would like to hear some expression of opinion from officials—from Mr. Ruso, Mr. Rodgers, and men of that stamp, who have served for so long in the courts of the state—as to what they think of the provisions of this bill, for they will have to undergo this examination if they are to work before referees. There is no exemption at all, whether a man has served one year or twenty-five.

Mr. ORMSBY: Whether he is an official or non-official. A good many non-officials have served twenty-five years, and some thirty years, and would still have to pass the examination.

Mr. McLOUGHLIN: The great thing, Mr. Ormsby, is to get a bill that can pass. As I suggested to you, it is a very easy thing to kill a bill. One man, sometimes, can defeat a bill.

Mr. ORMSBY: Originally, the idea was to exempt anybody who had served ten years. But the idea of the committee that prepared that bill was that that provision would weaken rather than strengthen us when we appeared before the legislature asserting that stenographers should be licensed and should show their competency; and if we made an exception it left an opening that, while possibly not as wide as a church door, nor as deep as a well, was yet sufficient space to drive through a horse and cart loaded with incompetent stenographers. It is a very simple test, and any one who has practiced ten years in his profession should be able to pass that test without any difficulty.

Mr. McLOUGHLIN: I suggest that we hear from Mr. Woodle.

Mr. LEOPOLD WOODLE: I had hoped, Mr. Chairman, not to be asked to speak on this question, and not to feel impelled to speak on the question, until we had heard suggestions from what we call, in this case, the country stenographers, or, as Mr. McLoughlin suggested, the official stenographers throughout the state. But perhaps they are not quite ready to speak, for they have not had the bill in their hands as long as we have. It has just come to your notice, and perhaps you don't quite understand all the provisions of it. You have not had it in mind, and have not considered it as much as we have. So that it might perhaps be just as well to make a few suggestions on the other side of the question. When I say "on the other side of the question," I mean some suggestions not entirely in opposition to the bill, but in modification of it.

I will say, at the outset, that I feel a hesitancy in speaking at all upon this bill, or giving you my views in the matter, because you cannot realize how deeply impressed I have been, and am at the present moment, with the zeal that Mr. Ormsby, for instance, has put into his work. He has been the secretary of our association from its organization. He has been untiring in his interviews with the members of the profession in New York, unremitting in his schemes and plans to promote the benefit and welfare of stenographers of the association, and persistent in his zeal and in his work to procure this particular work to be done. And to stand here and take a position somewhat antagonizing his views is a rather difficult thing on my part.

Still, I feel impelled to say some things about it. Three years ago, when this association met in the city of New York, I, being a member of it, attended. There the question of the

licensing came up, and some of you may remember that I strongly opposed it. In fact, I was strongly opposed to licensing the profession at all, upon the general principle that I then maintained (and really I have not yet, perhaps, departed from it,) that I think the matter of licensing professions and trades is run into the ground. I think that the natural welfare of the individual is in being permitted to do his work as best he can, and with all the competition that there may be against him, without having the state come forward and say that this or that competition shall not be maintained against a class, whether it be a skilled class or an unskilled class. It is to me something like the 'longshoreman organizing, as one of the gentlemen here suggested. Why should the 'longshoreman organize? He organizes so that if perchance he strikes, for some reason for which the people do not think he is entitled to strike, he may be sufficiently strong to kill and maim the people who are ready to do his work when he does not want to perform it.

Mr. ORMSBY: Is that the reason that the doctors organize?

Mr. WOODLE: This thing appeals to me to yield. I have yielded. I still entertain that opinion, but I have yielded on the ground of expediency. In the course of life we very frequently have to give way on important matters. As I said in our city association, some few months ago, I saw that the drift of the profession was so strongly in favor of licensing that it was bound to come, anyway, whether I opposed it or not, and that therefore there were perhaps some things meritorious about it that in my simple intellect I could not see; and I concluded to yield, largely on the ground of expediency. So that I gave my assent to the question of the desirability of licensing. Then came up the question of the provisions of the bill, and when the bill was presented in our city association I conceded that, generally speaking, it was well drawn. But there was one particular point on which I could not agree with the majority, and I will say that I had quite a number of the members with me, but we were not sufficiently strong. The point is simply this:

Here is some stenographer who has been in our profession for years — I know personal instances, and there is not a man or woman of you here that does not know some one or more such instance — we will say, for twenty years; who has built up a business, who has grown gray in the service, and whose muscles have become affected by the long service. He makes a good report, when he goes into court, or before a referee. When he undertakes to take the notes, he makes an excellent report — perhaps as good as the younger man who can write

twenty-five words a minute faster than he can at the present day. His business is established. He has lived in that business, and done nothing else, for all these years. But with the length of time and with the increase of age that man, who can make a report, as I say, that is practically as good as you or I can make, cannot pass this test of 175 words a minute. It has been said to me (I think it was by Mr. Bishop) — I say this because it is fair to say it — that there is no case of a practicing stenographer who, if he is not to-day able to write more than 150 or 160 words a minute, simply because he may be out of practice, or because he is a little old, cannot, by applying himself steadily for three or four weeks to the practice of dictation at the rate of 175 to 200 words a minute, make himself so proficient as to pass that test. Well, now, there is a question of fact; and that question of fact you will have to decide for yourselves. I have decided it in my own mind for myself. I think — in fact, I feel certain — that those particular individuals of whom I speak, if they practiced for a year, could not get their speed out upon a test. I do not say that they cannot write 175 words a minute in court work. You know that we can go into court and in actual work we can do a great deal better — can reach higher speed when we are worked up to a case — than when we sit down and write for five minutes. I say that, in these particular cases that I speak of, I am positive that these men could not get their speed up to 175 words per minute.

Now what does this lead to? It leads to one thing that I think Mr. McLoughlin meant to suggest, although if he did he suggested it perhaps in too mild a way, or too incompletely. It leads to the proposition that I made in the city association — that there be exemptions; that this man of twenty years' practice shall not be compelled to pass this test. Now I offer this suggestion purely on the ground, as Mr. Carroll calls it, of humanity. Well, it is. The answer to it, by some of these gentlemen, is that, suppose a man has been in the business for twenty years, whether he was ever able to write at that speed or not, if he has reached that condition that he cannot pass that test, he ought, for the sake of the public, and for the sake of our profession, not to be permitted to stand in the way of the great majority of the profession, who insist that this bill shall be passed in its present shape.

I would like to be frank about all these things. There is a great deal of truth in them. Mr. Carroll says to me, "If he can't write it, he ought to get out." And another gentleman says, "It is a matter of 'the survival of the fittest.' If he cannot continue to perform his labor, he will have to give way, and he will have to do some other work in the profession. There is

other work in the profession to be done, that is not reporting of testimony." Well, now, I do not know how much of that there is. I know, and you know, that that man would not be able, certainly, to earn more than one-half of his income if he had to do that, and perhaps a good deal less than one-half of his income. In addition to that, he would be tarnished in the eyes of his own patrons. They come to him to take a case, and he says, "Well, I am not licensed. I can't take your case. I might send you somebody else." Well, you know what effect that would have upon a man who wanted to employ you, if you had to say that to him. He might continue to give you his dictation in his own office, and he might not. It might have a very great effect upon him. And you see the result of that is, as I said, that this particular man is going to be deprived of his livelihood. I ask you here—I do not have to ask it of all of you, for I know there are some quite willing to say, "Yes, we are willing to deprive him of his livelihood." Some of you have already said it to me. But I ask it of the rest of you, "Are you willing to take upon yourselves the responsibility of depriving such a man of his livelihood?" I say, I am not.

The question is, what is the remedy? In the city association I suggested that the remedy was an exemption of some years; and there appeared to be a consensus of opinion on the part of some to whom I spoke about it, and I offered that as the result of the consensus of opinion, and I said, "Let us make the exemption ten years. If a man has been in this business of stenographic reporting for ten years, then let us say that he need not pass this examination." We were met with this argument that has been made—that if we go before the legislature and say that there shall be exemptions, at once our bill is weakened. I cannot see, for the life of me, that it is very much weakened, if you say to the legislature that a man who has practiced for ten years shall be exempted. Is not an experience of ten years enough? Will an experience of ten years not appeal to the legislators as something which is sufficient to take the place of a test? In addition to that, I said, "If you don't like ten years, make it twenty." It happens, I will confess here, that if you made it twenty years I would be exempt, for I have been in the business longer than twenty years. But those who know me, ladies and gentlemen, know that I do not make this appeal on my own behalf. When the proposition was offered, what was the result? One man, who had practiced for nine years, said, "I vote against it. It is a discrimination against me." It was a discrimination against him. He had been nine years practicing, and because he could not be admitted under the ten years exemption, nobody else should be admitted under that exemption. The thing rested there. The ten years prop-

osition was defeated, and I submitted. I had nothing more to say, but I did conclude, as the matter was to be presented here, that I was going to present my views here, and I have now done so.

Now, just a little further. I have talked quite at length, and I do not want to talk much longer. It seems to me that just some such exemption ought to be made. If you do not want to make it ten years, make it fifteen, make it twenty; and if you make it twenty, you can pretty well settle it in your own minds that that will pass over these people that cannot pass that test.

Another suggestion has been made, and of course it is for you to consider. I do not care to enlarge upon it, because I have an idea that Mr. Haynes has thought of that matter more than I have. There has been some proposition made that there shall be a general exemption of all present practicing stenographers. That is to say, that you provide in the bill that everybody who was in the actual practice as a public stenographer — and the language would have to be framed very carefully to cover exactly what we want to get at — who was in the business of a public stenographer, say, on the first of January, 1898, should be licensed, and that thereafter every one else who wanted to come in would have to pass a test. I would say that that is a matter that I have not given very much thought to, but, to my knowledge, it has favorably appealed to some stenographers with whom I have talked in order to test their sentiments in the matter. Whether they would favorably consider it for the reasons that I do, or for more personal and selfish reasons, I do not know. Whether that will be such a resolution as to properly present to anybody, I will leave for Mr. Haynes to talk about.

Mr. CARROLL: Mr. Chairman, I do not think the gentleman's remarks are at present particularly in order. I believe that it was understood that the question before the body was the appointment by this association of a committee of your association to meet a committee of our association to consider the question.

Mr. ORMSBY: The two associations to meet.

Mr. CARROLL: The two associations. Now, I would like to pay a personal tribute to the motives of my friend Mr. Woodle. It has been a rare and gratifying experience to me to see a man so deeply disinterested. If there is a man in New York city who has no reason to fear any test that any other stenographers can pass, it is Mr. Woodle. He has demonstrated twice, under most severe trials, his fitness to pass any test; and for him to speak here on this floor as the exponent of the

incompetent and the lame and the halt and the weak and the blind, surpasses the charity even of his own noble religion. But I am afraid that he has taken a somewhat narrow view of it. His view emanates from his heart, and not from his brain: it emanates from his kindly feeling to all. But he forgets that in kindly feeling to all he would impose an injury on the competent in favor of the incompetent. We all earn our living, and earn it by the exercise of certain faculties and abilities. Those who possess a superiority of faculty and ability deserve a superior living. Those who undertake to perform public functions without requisite ability are doing the public a wrong and an injury, and it is an injustice that they should be permitted to do it. That the records involving the life, liberty and property of a people should be jeopardized by incompetent stenographers, and that the reason we should stand between is that this poor fellow will make but one-half of his present income, does not appear to me to be either just or humane. It may be sentimental, and it may be kindly, but I feel that my respect, my admiration and my loyalty are due to my competent brother, who is willing to work, who is working, who has mastered his profession, or who, if he has not mastered it, is willing to devote his best efforts to master it, rather than to the lazy and incompetent. If a man is notoriously incompetent, from natural limitations, the law of supply and demand usually takes care of him; and there is not much demand for him to supply. But in this case we are asked by our friend, Mr. Woodle, to set at naught the very title of our act, and make it ridiculous. The title is, "An act to secure greater accuracy in shorthand reports of judicial and other proceedings." Instead of that, we ought, if that suggestion be incorporated in the bill, to have the title read, "An act to secure greater fees for stenographers, and to have their proficiency tested by the state, without examination, and the limiting of all business to them." That would create a monopoly that would make the measure ridiculous; that would make our plea absurd—to ask the legislature for an act to secure greater accuracy in shorthand reports, and then turn around and admit a lot of men who, Mr. Woodle himself says, cannot pass the test, and because they cannot pass it, he asks for them special leniency. That is kindness, but it is not logic, it is not common sense, and it is not justice.

Mr. HEAD: Mr. Chairman, I don't know but it is presumptuous in me to say anything on this subject, but just this one question occurred to me in this little tilt between Mr. Carroll and Mr. Woodle. There is a proposition, on one side, that certain stenographers who have been engaged in business for fifteen or twenty years, who have been proficient in every way,

and who serve to the satisfaction of everybody, and are known to be perfectly competent stenographers, but yet on a speed test could not come up to the test fixed in this bill, be exempted from the test. On the other side it is contended that the "survival of the fittest" should prevail, and that these men, who are characterized as the "lame, the halt and the blind," should be crushed out and trodden under foot by the younger, more active members, in order to give the "fittest" an opportunity to "survive." But the suggestion occurs to me, what will these men, who now call themselves the fittest, do when twenty years have passed over their heads, and when they have reached the state of being classed with the "lame, the halt and the blind?" Will they submit themselves to another examination to determine whether they shall be cast out and some younger and more fit man placed in their position? The bill does not seem to touch that subject, and I would like to know how to stand upon it. There is no provision in the bill, as I understand it, to provide that they shall be subjected to another examination when they become "lame, halt and blind."

Mr. BISHOP: I do not wish to participate in the discussion at the present time, but I want to state as a fact what Mr. Heffley says to me to be within his knowledge, and which I have tried to have him state. When the original statute was passed, in regard to the licensing of druggists, he knows that in Pennsylvania, and he thinks that also in New York, those who as druggists or clerks had been in business a certain number of years were given the license without examination. I state it merely as an additional fact for your consideration.

Mr. WOODLE: I think it is fair to say in answer to Mr. Bishop that I have tried to find in the statutes which for some years back have been passed concerning the licensing of different professions and trades, some statute which did make an exemption, and I have not found it.

Mr. HAYNES: What is commonly called a "corn doctor," but is in more dignified language called a "chiroprapist," at the first passage of their bill for licensing, was permitted to receive his diploma if he was a member of the Pedal Association, or something like that — something to do with the foot, anyway.

Mr. BRICE: I don't like to take the time of the association, but I am interested in this subject. When I was a member of the association, and read a paper before it some few years ago, I was particularly struck with the idea of the test which was then advocated. The test then advocated was to have the supreme court judge designate a certain day upon which the applicant should repair to the court and report the proceedings

for that day. His minutes were then compared with the official stenographer's, and the judge should then decide whether or not he was competent to do that class of work. It seemed to me that that was the only really fair, *bona fide* test. I know people, one gentleman in particular, who only a short while ago told me that he took a civil service examination. He is a man who has done good work, and is a good stenographer. He reached a strange city, became rattled, and gave it up. There are lots of people who can write 175 to 200 words or more with somebody who is used to dictating to them, when they feel perfectly cool and collected, but when they come to take a trial, where they know their reputation depends on five minutes' work, they will get a little "rattled," and you will find that all those people will be fighting against that five-minute test. Give that same man a fair day's test in court, and he will show, in the beginning of his work, that it is not good, but he will show that it is good before the day is over. You can't tell anything by a five minute test. Some of the stenographers I have talked with have greatly ridiculed the civil service examinations, and I have heard many say it is no test at all; and it does not seem to me that this association should advocate almost identically the same kind of a test. There is something in that bill that says that if you have been practicing stenography for ten years, after you have some other examination for other things, it is left with the three examiners to omit the stenographic test, if they see fit. I was very much struck with the paper that was read here this morning, and I had hoped that some of our more experienced court stenographers would take the view of Mr. Haynes in regard to this five minute test. Personally, I think he is right, and there are a great many here whose thoughts might have been modified on hearing from him. I think further discussion of the subject would be of great value to some of us. I would like to hear from some of the members what they think of this five minute test. I know of people who have taken a five minute test. If a man essays to report a legislative committee, where three or four are talking at once, it is impossible to get every word, but he may get the meat of it. I don't see how you are to judge of a man's ability to get the meat of a discussion where there are several talking, by a five minute test. There is a great deal of work done before those committees, and if they get in a wrangle, a man with good judgment and a knowledge of the subject has a better chance of getting a good report than one who can merely write rapidly. I would like to hear from some of the members as to what they consider a fair test. I should think that if there were to be any great objection they could do as Mr. Haynes sug-

gested. They might have various grades—first grade, second grade, third grade. I don't believe any one wants to throw anybody out. What you want to do is to regulate the class of men that come in. When a stranger comes to any city and wants a stenographer, he could then tell from that stenographer's certificate, in substance, to what class he belonged, and if he thinks the stenographer is able to do his work, he may hire a man who can write 150 words a minute. If he wants one that can write 175 words a minute, let him pay accordingly. There are a great many persons that a man can get who cannot write over 150 words a minute. I don't think we should regulate this thing so that a man who writes 175 words a minute should have the monopoly of the thing. We might get some kind of a license law under which every man shall be marked as to what he can do, and if he can increase the speed and reach a higher class, let him do so.

Mr. CARROLL: That matter has been considered by us very carefully, and we came to the conclusion, after considerable discussion, that any test in court would necessarily be predicated on two things—first, that the official made an accurate record, and second, that that case would be a fair test of all other cases. Now, as a matter of fact, the outside stenographer is just as apt to make a good record as the official stenographer; and therefore the official stenographer's record would be no measure of the accuracy of the other stenographer's record. The other stenographer's record might be the better, and, as a matter of fact, it is only occasionally in court that cases are sufficiently fast to test what would constitute a good reporter under certain circumstances. Most cases in court, as any one of us knows, do not average 110 words a minute, by the hour. Take the day's "take," and you will find that the average is not 110 words a minute. In the first place, the counsel are off some distance, and frequently the proceeding is very formal. Now, that does not constitute any test at all for what would be requisite under a different condition of things, and therefore we believe that a minimum test of speed is absolutely necessary to determine the fitness of a stenographer to do practical work. We do not believe that the taking of one case is any criterion of the ability to take another. We all know the difference in the speed of utterance of different judges and different lawyers. I think that is a sufficient answer.

Mr. BRICE: You claim that a test in court would be no test as to speed. If you claim that, a five minute test would be no test of anything *but* speed. Why wouldn't it be well to combine the two?

Mr. CARROLL: You might combine the two. You can prescribe both tests, if you like; but what we do insist upon is the necessity of some definite test of speed.

Mr. BRICE: No test is complete. I would rather have the test in court, if I had to take only one.

Mr. CARROLL: Well, take both tests, if you are to make any fight on that.

Mr. ORMSBY: I think I might answer Mr. Brice's question concerning the speed test. What is the proper method of ascertaining a stenographer's speed—to take him into court, as was proposed by Col. Dickinson's bill, or to apply the test which we propose? Now, the objection which killed Col. Dickinson's bill at the meeting of the stenographers was one raised by the official stenographers themselves. They objected to it because they did not think it proper to impose additional labor on them without additional compensation. They also objected to having people brought in and put down beside them to take check notes on them. Well, it was a natural thing that they did not like to have that sort of thing.

Mr. CARROLL: Mr. Chairman, I think another serious obstacle to that would be this: I don't know of any judge of the supreme court who would willingly constitute himself a committee to investigate the fitness of a stenographer, and who would compare the two records. If your country judges are willing to do that sort of thing, I am sure our city judges would not do it. Another thing, a good many of our official stenographers in New York city are not very anxious to have the question brought right clearly home, as to their limitations or capacity. I do not say that that is any more one way than the other, but I do mean to say that it would be a revelation to any judge who read the two records. It would be a revelation which I do not think a stenographer is anxious to make, because I have never seen two records of any very long proceeding in which there were not substantial differences, and I do not think any one of us would agree to go through that experience.

Mr. McLoughlin: Let me suggest the economy of time. There are other papers to be read. Mr. Cherry and Mr. Morrison have papers on the civil service examinations. I would suggest, without meaning any discourtesy, that a limit be fixed for the discussion.

The CHAIRMAN: The discussion thus far has been very interesting. It is an important subject. We will continue it further if any one desires to speak.

Mr. LOEB: Mr. Chairman, I have not looked very much into the subject covered by this bill, but I would like to know, in

a very few words, what is the object sought to be accomplished by the bill. I have asked some of the members, and could not get the information. Is it designed, in making up a case on appeal, in case the minutes are taken stenographically, that the minutes shall be certified to have been taken by a licensed stenographer?

Mr. ORMSBY: If they are taken outside of court, before a referee, commissioner, notary public, or any one of that kind. The other work, in court, is covered by law.

Mr. LOEB: Mr. Chairman, this thing strikes me in a practical way. There are in the country law offices amanuenses that the lawyer oftentimes avails himself of in a simple reference, where the lawyers and the referee accommodate themselves to the speed of the stenographer reporting the reference; and it seems to me that if by any legislation you propose to make it impossible for the country lawyer to avail himself of his amanuensis, you will bring about your ears a wave of criticism throughout the state that will be detrimental to the interests of the profession at large. Now, I think that the legislature has in the main treated our profession with extreme kindness and liberality. We have been able to procure almost everything we have asked. And I say that, because I have been located here in the capitol, and have had more or less to do with legislation touching the stenographic profession. Now, there is a growing feeling, which we cannot overlook or shut our eyes to, of unfriendliness, in some quarters, to the stenographers, because some people think that we are becoming men of wealth at the expense of the public treasury; and if you agitate this question too much, and the lawyer comes to believe that his dues are being preyed upon, and the public believe that the expense of conducting lawsuits will be increased, you will put yourselves in a position where the legislatures of the future will not deal so liberally with you. I feel on the subject as Mr. Osgoodby expressed himself very tersely here at one time when there was some legislation proposed — that he thought it was unwise and injudicious, and he said, "Don't tickle the cow, boys!" I thought that expressed it about as cleverly as the matter could be expressed. I don't believe this legislation is wise, and I believe that, if it is introduced, the gentlemen who think they will be benefited by it will be sorry that they ever agitated it. Now, I may be mistaken, but I have felt the pulse of the legislature, by committee, for some years, and I know that they think that the stenographers have about enough; and the question arises in my mind if we should not "leave well enough alone."

Mr. GEORGE A. HAYNES: Mr. Chairman: As the last speaker said, I am going to give you a few words in a practical line.

I am not going to do as our friend, Mr. Woodle, has been said to have done — talk from his heart and not from his mind. I am going to talk from what I am pleased to term my mind. This may not be just, and it may not be humane, from the standpoint that I am going to take. Some of my friends, with me, believe that our point of view is one which is justified, and amply justified, by expediency. We don't say anything about the test of 175 words at all. We believe that it is a perfectly fair, right and proper test. It is, of course, admitted, I take it, by the suggestions that have been made in the papers that have been read before you — even if not advised in those papers — that there should be some legislation. But we want to have the thing done in such a way that we will get the legislation; not go and take such a bill before the legislature as we want, and get knocked and kicked right out of court on it. We would be very glad to have a bill such as is proposed here to-day, but we don't believe that we could get it. Now, the next thing is to get the best thing we can. If we can't get the whole cake, let us have half of it; but don't let us struggle for the whole cake and get none. We believe, therefore, that the stronger we are, the better. As our friend Mr. Ormsby put it, before we started in on this thing we thought that we should band together as an army. That is just exactly, Mr. Chairman, my proposition; and the stronger we can make our army, the more likelihood we shall have of achieving what we are after. But we may go and cut off a large portion of our forces, and absolutely set them to fighting us, by saying, "Well, we know you gentlemen have established a business, but that makes no difference. You say to us, 'What am I going to gain by joining you in a job of this kind, by which I run the risk of losing my business?' 'Well,' we answer, 'that is your lookout.'" And they will look out. I have been told by one or two that they will take the trouble and the time to come to Albany, and that they will spend plenty of money to defeat that bill. Now, gentlemen, don't you think we could get along a great deal better, and have a better chance of having that bill pass, if we smoothed these gentlemen over? Suppose we say to them, "We will propose a bill under which all you folks can come in. You will run no risk whatever." They say, "All right; we will stand in with you." We have accomplished so much. Isn't it necessary to accomplish that much, considering what we have heard from the bench, some of whom look upon stenographers as a horde of — I was going to say thieves, but it is the next thing to it. We know very well that there will be a great deal of opposition from the lawyers. No one, I believe, will deny that it is all very pretty to go to the legislature and say, "We will give you a class of men who

are guaranteed and warranted to be A No. 1, copper-bottomed." They say, "Yes, that is all very well. We have heard before of these A No. 1, copper-bottomed (they generally call them) trusts. We know that you sugar-coat your pill at the front, but it is a pill just the same, and you want us to swallow it, and we are not going to get caught by any such chaff as that." The gentlemen in the country, as Mr. Loeb has been telling us, with their office stenographers, will say, "This is a very pretty thing; these fellows are working this thing very nicely, but where do we come in?" And mind you, the committee that is going to pass on that bill is going to be made up of those very men. They say, "Where do we come in on it?" Well, they possibly might be won over. Whether they will or not, I don't pretend to know or to say. But if we divide our army so that we have a larger proportion of them against ourselves, you may be positively sure that the gentlemen of that committee will kill that bill without any hesitation. It is for that reason that I say that, as a question of expediency, it is advisable to have a bill which will admit — I don't say those who have practiced for twenty years, because that lets me out; I don't say fifteen, which would be a great deal better, or ten, or five, or three, or two, or one; but to let in all men who have practically proved themselves to be able to get a living as public shorthand reporters for a reasonable length of time.

As I said, I am not speaking from the heart. There is another application to this. I am talking plain, pure business sense, as I view it. I am trying to get half the cake, because I feel absolutely positive that we cannot get the whole of it. The rejection of Mr. Woodle's motion in regard to exemptions, at the meeting of the city association, took place at the fag end of the evening. There were only a few left, and, if I am not voting; and I am authorized by the president of our association mistaken, the majority was eight to seven, the president not to say to you, Mr. Chairman and ladies and gentlemen, that the views I am now expressing to you are those not only of those who voted in favor of Mr. Woodle's motion, but of the president himself.

Mr. ALBERT HORTON, president of the Chartered Stenographic Reporters' Association of Ontario, being invited to discuss the subject, spoke as follows:

Mr. Chairman: Though not belonging to the state of New York, I feel deeply interested, as do the members of the association which I have the honor to represent here, in whatever action the stenographers of your state may take on this question. The necessity of some kind of legislation in the direction proposed is, I believe, becoming more and more realized by stenog-

raphers in every part of this continent; and in this new movement, as in so many other things, they naturally look to you stenographers of the Empire state for leadership. For we may rest assured that though the movement is new, it is a rising and a prophetic one; and it is only a question of time when legislation of this character must be enacted, not only in this state, but in every other state of this union, as well as in every province of the neighboring country from which I come. (Applause.) If it is not accomplished to-day or this year, or by men now living, it must be accomplished at some time by other men. I feel confident of that, because I regard the licensing or authorization of competent stenographers as simply a measure of common honesty and justice, demanded in the interest of both the public and the stenographic profession — a measure to prevent the obtaining of money under false pretences; a measure for giving the public the truth, enabling them to know the skilled from the unskilled, the fit from the unfit, and thus to avoid being imposed upon by men representing themselves to be what they are not.

I should be very diffident about making suggestions to you gentlemen as to how your legislation should be framed, because you probably know better than I could suggest to you what is best for the prevailing conditions in this state. It may, however, interest you to some extent if I state, very briefly, what has been done, and what is proposed to be done, in a similar direction in the province of Ontario.

In the year 1891 the Ontario Stenographers' Association, which existed simply as a voluntary association, though including in its membership most of the leading law and general stenographers of the province, took up the question, and framed a measure for submission to the legislature, in regard to the qualifying of practicing stenographic reporters. But knowing the sensitiveness of public opinion as to anything savoring of restrictive legislation, we felt that, in the initiation of the movement, at all events, it would be prudent, as Mr. Haynes has suggested, not to imperil the purpose we had in view, or invite needless opposition, by asking for more than appeared reasonably attainable. Our object was two-fold — to distinguish the qualified man, and to disqualify, if possible, the unqualified man. We had thus two steps to take, and we decided upon attempting only one at a time. Possibly you in New York may be able to attain your whole object at one step, and I sincerely hope you will. Our first step, by which we have been enabled to distinguish the qualified man, was successfully accomplished by our obtaining from the legislature an act incorporating the Chartered Stenographic Reporters' Association of Ontario; and this act is what is known in Canada as a public act or government

measure, it having been introduced and carried through under the auspices of the minister of education.

By this act the association is empowered "to promote and increase, by all lawful ways and means, the knowledge, skill and proficiency of its members in all things relating to the business or calling of a stenographer, and to that end to establish classes, lectures and examinations, and prescribe such tests of competence, fitness and moral character as may be thought expedient to qualify for admission to membership, and to authorize its members to use the distinguishing title, 'Chartered Stenographic Reporter,' or the letters C. S. R., as a guarantee of competency." And just here I may say, it occurred to me, in reading over your draft act, that you might possibly consider the advisability, in licensing stenographers, of *ipso facto* granting them the right to use some distinguishing mark or title, by which the licensed stenographer would be differentiated before the public from those not licensed. Our act vests the business and management of the association in a council of nine members, who are elected from time to time by the association at its annual meetings; and this council practically carries on the whole work of the association. It conducts examinations of applicants for membership, appoints examiners, passes upon their reports, and grants diplomas to successful candidates.

In seeking this legislation we had to consider the same question that has been raised here this morning: that is, as to the admission of existing practitioners of stenographic reporting. We were anxious, of course, in initiating such a measure, to disarm all possible opposition to it. We felt, as I think every man who is interested in this movement should feel, that we were building not merely for to-day, nor for this year, nor for five or ten years, but for fifty or a hundred years, and that we should not take a small or narrow view of the matter. It was as an inclusive rather than an exclusive body that we presented ourselves before the legislature; and, acting in this spirit, we proposed that existing practitioners — not practitioners of shorthand merely, but persons who had "regularly practiced the profession of stenographic reporting" for one year prior to the passing of the act, might become members of the association by registering their names within three months after the passing of the act. The legislature went even further in the direction of inclusiveness, for it amended this provision so as to admit all who had been regularly practicing their profession for six months prior to the passing of the act. It is further provided, as is done in the case of other professional bodies, that well-known stenographers, for instance, any coming from another country, whose record is such as to demonstrate their fitness for membership, may be elected by a two-thirds vote of the council. The grant-

ing of our diploma is limited by certain restrictions which we consider valuable. For example, it is not granted of necessity for all time (and, by the way, I observe that in your draft act you have no provision for limiting the time during which a license shall be valid — a point which I would venture to suggest as worthy of your consideration;) but we have the right to limit the grant of our diploma to one year, and to compel its return for non-payment of fees, loss of competence, immorality of life, or other sufficient cause. I am glad to say that we have not yet had any occasion to enforce this provision upon any of our members. Any person not a member in good standing who uses our distinguishing title, or announces himself as a chartered stenographer, is subject to prosecution, and liable to a fine not exceeding \$25 for the first offense, and not exceeding \$100 for each subsequent offense. These are the main provisions of our act of incorporation.

Mr. ORMSBY: What is the practical effect of that? Does it limit shorthand writing, in certain branches of the profession, to your members?

Mr. HORTON: No, it does not. Our act of incorporation, so far as it goes, is, as I have explained, our first step. We are now proposing to attempt the second step, with some reasonable hope of accomplishing it. Our intention is to apply to the legislature at its next session for a provision to the following effect:

"1. Except as hereinafter provided, every examination taken in shorthand shall be taken by a stenographer holding a diploma of the Chartered Stenographic Reporters' Association of Ontario, and transcripts of the shorthand notes, when certified to by the reporter, shall be received and read as evidence in any court of the province.

"2. Where an examination is not taken by a member of the Chartered Stenographic Reporters' Association of Ontario, whether taken in shorthand or longhand, the transcript of the same shall not be used in any court of the province as evidence, unless it shall have been read over to and signed by the witness."

These provisions, we think, will meet the case that has been already spoken of, namely, that of lawyers using for the taking of testimony their office stenographers, who are untrained for that class of work, and incompetent to perform it properly. It leaves it open to any one to employ an office stenographer, or even a longhand writer, if desired; the condition of the employment of such persons of necessarily doubtful competence being that the report so made must be formally attested to by the witness before it can be used as evidence.

But to return to my explanation of the structure and workings

of our association. Every year since our incorporation we have held examinations, at which candidates for our diploma have been glad to present themselves. The distinguishing title held by our members, and advertised by them, is becoming more and more known to the legal profession and the public as a badge of competence, and so our diploma is valued and sought after. Recognizing that the finished reporter must be a great deal more than a mere shorthand machine, our tests of competency cover many other things in addition to speed in taking notes. Our examination includes a five-minute test of speed at the rate of 150 words a minute; and our instructions to the examiners are to give the candidates three distinct dictations of five minutes each, with the option to transcribe any one of the three; this is regarded as only a just consideration for nervous persons. Each candidate is required to hand in his actual shorthand notes along with the transcript, and the general character of these is taken into account in fixing his standing. He is also examined in spelling, geography, arithmetic, general history, etymology, English grammar and composition, foreign terms and phrases such as are in common use in the courts and elsewhere, punctuation, making a fair copy from a rough manuscript draft, the correction of a passage in which words are inaccurately used, the turning into narrative form of a passage of testimony in question and answer, and the recasting of a badly-constructed passage from a speech.

I will only take up your time, gentlemen, to refer to one other point. Our examinations, as you observe, are held under the auspices of the association itself, by examiners appointed by the council of the association; for we hold that no lawyer, not even a judge, should direct examinations for determining the efficiency of shorthand reporters; and in that respect I would venture to criticise your proposed act. I should myself favor the holding of examinations and the granting of certificates of efficiency exclusively by shorthand writers.

A MEMBER: That is what it does provide.

Mr. HORTON: My suggestion would be that the state association should appoint its own examiners, just as lawyers appoint examiners for lawyers, and doctors for doctors.

A MEMBER: Lawyers do not appoint the examiners. The judges appoint the committee.

Mr. HORTON: A judge is a lawyer, so that lawyers do appoint examiners for lawyers, as doctors do for doctors. My position is that the status of the shorthand reporter's profession would be best maintained by stenographers standing upon their own feet, and asserting their right and superior fitness to pass upon the technical qualifications of persons wishing to practice their own profession.

I thank you, gentlemen, for this opportunity to address you on this important question.

Col. DEMMING: This is a very important subject. As the gentleman from Canada has said, it is more than a state question; for, whether you realize it or not, this association sets the pace for stenographers in many other states. I think the provision to make this state-wide is a very wise one, because, in an experience of more than thirty years, I have found that sometimes all my most serious work has been in country districts; that attorneys, having abundance of time, have gone over their cases perhaps half a dozen times, and have everything at their tongues' end when the time comes for trial. There are two things in connection with this matter that I did not observe to be provided for. In a certain legislative body, not long ago, one of the stenographers, who was assigned to a five minutes' take, went in, and was in a peculiar condition, and when he came out he said: "I didn't get much this time. I will try again, and maybe I will get more." And the importance of his report could hardly be measured in words, because the matter under discussion was of vital importance to the interests of the country. How they managed to doctor it up afterwards I am unable to say.

In Pennsylvania we have recently had a very serious matter to contend with. One of the most competent stenographers in the state turned his notes over to an amanuensis to transcribe. The transcript was made, and certified to by this stenographer. In course of time the transcript was lost, and the court required the stenographer to re-transcribe his notes. He turned the notes over to another amanuensis. The transcript was made, the document brought into court, and about that time the first transcript was found. One smart attorney immediately set to work to compare the transcripts, and he found serious differences. This matter reached the ears of our highest court, and they issued an order that from that time forth every transcript made by an official stenographer in the state should be read over by the presiding judge, and certified to, before it became valid. So you see, instead of the stenographer of Pennsylvania being the *amicus curiæ*, he has turned out to be just the reverse, on account of the additional labor. Now, this person who made these notes is fully competent to stand any test that is provided for in this proposed legislation; but by his turning the notes over to an assistant, this serious difficulty arose. How are you going to provide for this? Certainly some provision ought to be made. But I think, on the other hand, as doctors are protected, as pharmacists are protected, and even undertakers are protected, both in this state and in Pennsylvania, stenographers certainly ought to be.

PRESENTATION OF THE LOVING CUP TO MR. HILL.

President McLOUGHLIN resumed the chair, and said: *Ladies and Gentlemen*: I have a most pleasant duty to perform. The Albany delegation, in addition to furnishing us with that delightful banquet last evening (and I insist on calling it such,) suggested that this would be an appropriate time to take cognizance of the great work done by one particular member of this body. No one here present can take exception to this act, because any one who has followed the course of this association for the past four years knows the work that this gentleman has done. He is able; he is a worthy Christian gentleman; he is a patriotic American citizen, and he loves the New York State Stenographers' Association. I will read for you the inscription which has been placed on this loving cup:

PRESENTED TO

KENDRICK C. HILL

By the Members of the

NEW YORK STATE STENOGRAPHERS' ASSOCIATION,

As a token of esteem, and an evidence of their appreciation of his tireless industry, proved fidelity and unfailing courtesy as Secretary and Treasurer, 1894-1898.

We ask you, Mr. Hill, to accept this token of our esteem, with the assurance that the work which you have done is appreciated by each and every member. It "is not so deep as a well, nor so wide as a church door," but we hope it is a prototype of your cup of happiness — pressed down, full to the brim, and flowing over.

Mr. HILL responded as follows: *Mr. President and Fellow-Members*: I suppose it is in order to make some response, if I am able to. I do not know whether I can suppress my emotions sufficiently to do so. I will endeavor to control myself to that extent. I think these people treated me pretty meanly(!) — particularly Mr. Rodgers. The last remark he made to me was, "Go 'way. Go 'round the corner. Let us alone." And throughout that banquet last night they recognized my four years' service to this association by neglecting even to call on me for any remarks. I was a nonentity throughout, and was unnoticed and unheard. Although they knew I was not able to make a speech, yet even a poor talker can make a hit now and then. But in spite of all that, although there were one-base hits, and two-base hits, and three-baggers, made last night, I have now made a home run. I have touched these people to that extent. I seem to have "hit the ball in the eye," as they say,

and knocked the cover off of it, and this is what I receive. So I will forgive the Albany "rooters."

This is a very tangible and lovely gift. Of course I say "tangible" to be practical, because, although our aim might be as high as heaven, there is not one of us but loves these things of time and sense, and can appreciate them. And I say "lovely" because I believe there is love in the token, and I reciprocate it to the full. I cannot detain you by a more extended speech, but I assure you that I appreciate this beautiful loving cup, and I accept it with the utmost pleasure, gratitude and satisfaction. I most cordially thank you.

Col. DEMMING: The stenographers of Pennsylvania have watched the course of Mr. Hill during his term, and we have noticed that he has not only made a home run, but he has made it without an error.

Mr. HORTON: I may state that the fame of and affection toward Mr. Hill has extended even to Canada. I have heard him spoken of on my side of the line as a hustler and a first-rate good fellow; and the last words of a friend of mine and an acquaintance of some of yourselves, Mr. Thomas Bengough, before I left Toronto, were to give his very best regards to Mr. Hill. (Applause.)

Mr. HILL: You will kindly convey my respects to Mr. Bengough in return.

A recess was taken until 2:30 P. M.

AFTERNOON SESSION—SECOND DAY.

The meeting was called to order by President McLoughlin, at whose request Mr. Kelly again took the chair, and the subject of the Licensing of Law Reporters was resumed.

Mr. NELSON R. BUTCHER, official reporter of the high court of justice, and exchequer court of Canada, said:

Mr. President and Members: The subject under discussion, the question of licensing stenographers, is of so much importance I cannot leave without expressing my view. I agree with Mr. Loeb in very much he has said.

Judging from the general feeling of the public, and of the legal profession in Canada, I agree with the suggestion that "it is dangerous to tickle the cow."

In Canada, particularly in the provinces of Ontario and Quebec, there is a general feeling that stenographic notes are expensive, and a great burden to litigants. They argue and reason from this that the stenographer must be well paid, and

I am sure any attempt to form a close corporation, or anything that is on its face an attempt to get more money for the same amount of work, or to keep any man from trying to earn money as a reporter, if he is competent, would not meet with approval. Of course you do not desire to keep out any competent man, nor to increase the rates, but you must be prepared to convince the legislature of this. You will require to use some diplomacy, and get some good men in the legislature to look into the matter carefully and assure themselves that your suggestion is worthy of approval.

It has occurred to me that much which has been said here in favor of legislation has good argument to support it, but the difficulty is in its accomplishment. Perhaps everything might be gained by using, as I have said, a little diplomacy, approaching the subject from another standpoint than the interest of the reporter, or his great desire to protect the public from incompetent men. I do not think the public are caring very much about this question of incompetency; they understand better the question of cost. The better class of lawyers understand the value of competent men, and the danger from incompetent ones, but the majority of lawyers are not bothering their heads about it, and are looking for cheap work. While we may feel very deeply the danger which the public is running by having unskilled men taking evidence, that danger, to be effectually overcome, must be appreciated by the public, and the day will surely come when people will distinguish between the correct reporter and the incorrect one, and will look upon the latter as too dangerous to be emphasized in any important proceeding. In fact, to-day I doubt if any one present can point to a single really important piece of litigation, where of course first-class lawyers are employed, in which the shorthand writer has not been skilled, and well paid, and of not less than ten to fifteen years' experience.

We have waited upon our attorney-general-in-council, suggesting very many of the things you have suggested; what the outcome will be we do not know.

It has occurred to me the desired end might be reached in an indirect way, by having a law, or rather a simple rule of court, as I understand prevails in England, that you cannot tax, as costs in a trial, the taking of testimony by any one who is not a professional reporter. The expert witness is allowed special fees. In the same way the recognized professional shorthand writer's copy would be looked upon as expert work.

I would be glad to see some system of licensing, if, in the granting of it, those legislators who know very little of the subject, would not vote to tack on some ridiculous provision in

regard to remuneration. I must confess my opinion in regard to the matter has undergone some change while listening to the able discussions here. Each side presents many strong arguments.

If you attempt to get your bill through, be sure you have a mighty good committee to confer with the very best legal men, so that no misunderstanding may arise which will end in a disadvantage rather than an advantage to those who work so hard for every dollar they earn.

In this connection I would like to say that I am a great believer in the impossibility of overcoming the law of supply and demand. The remuneration now paid to good stenographers is not as much as they would earn in other fields of labor if they there exercised the perseverance necessary to become good reporters. Do you know of a man, however smart, with less than ten or twelve years' experience, whom you would send into court to take your day off? Only the successful shorthand writers ever get there, and is not the successful business man as well or better paid? I do not see any occasion to fear competition. The very good shorthand writer will always be in demand, and will be well paid for his work. The greater number of incompetents there are, the sooner the public will be educated in the matter. They will take more kindly to being taught this danger by experience than by listening to our efforts in their behalf. (Applause.)

Mr. VAN DEMARK: May I make a further remark on behalf of the committee? In doing so I want to answer one or two suggestions made by Mr. Butcher. In the first place, Mr. Butcher suggests that any attempt, in the way of legislation, to increase the already large remuneration paid us, as it appears to be, in the opinion of many people, will necessarily meet with defeat. That is not an object of our legislation. Our object is to give the employing public full value for their money without increasing our fees in any way, and to eliminate incompetent competition. In the second place, Mr. Butcher suggests that an abuse of the confidence of the public should be first complained of by the public. That was scarcely the fact in the case of the doctors, because I never heard of any of the people who were laid away underground getting up and complaining that they had been the victims of quacks. It lay entirely with the doctors themselves to call the attention of the legislature and the public to the abuse which the public were undergoing at the hands of the profession. First, from the standpoint of humanity, and second, from the standpoint of professional protection, they asked for the legislation which they subsequently received. Therefore, I do not think it is necessary that the public as

a whole should rise up in their anger and say, "We have been robbed by the stenographers," before the legislature can take cognizance of it. I think the profession itself should first bring to the attention of the legislature the condition of affairs, and it is then for the legislature to act as the intermediary between the general employing public, on the one hand, and the professional stenographer, on the other.

We have had a good deal of discussion this morning upon this whole question. You have had the benefit of the majority views of our New York association's committee. You have also had the minority view. And when you received that, as you did, from Mr. Woodle, you got the very best exposition of the minority opinion of our legislation. Had every one who objected to our legislation expressed himself, you could not have had it put before you in any brighter or more expressive and explicit language. The discussion also developed the fact that any bill which may be drafted is subject to a great deal of criticism, a great deal of difference of opinion as to the various limitations which should be contained in such a bill. But two facts have certainly developed. One is, that there is a large majority here in favor of legislation in the proper form. The other fact is, that what that proper form shall be is a subject of very long and arduous and tedious work before it can be gotten into anything like proper shape. Therefore, I would suggest that some action should be taken by your association, declaring that legislation of the proper kind should be sought, and I would suggest that your association appoint a committee, say, of five, as our committee consists of that number, to either draft an entirely new bill, embodying your views and ideas as to limitations, and then confer with our committee, prior to a general meeting of the two associations, which was suggested at the outset, or take our bill, and after thoroughly discussing and digesting that, send it to our committee, together with your suggestions, with the idea that we may be able between us to bring before the joint meeting, which we hope to have in the fall, the general consensus of opinion of the two committees, one from either organization. I would ask, Mr. Chairman, that some such action as that be taken.

Mr. LITTLE: I rise to congratulate the members of the Law Reporters' Association of the City of New York upon their manner of presenting the question to the New York state association, and on the intelligence and thoroughness that was shown in such presentation. I have been a disinterested listener to the remarks which have been made by our friends from New York, our co-workers and brothers in the profession, and I have considered, as best I am able, with a mind which has been inactive

for nearly ten years, at least as far as work in the profession is concerned, and I confess that up to the present time there has not appeared to me any proper solution of the problems which shall protect those already in the profession and occupying high official positions in the profession, as well as those who are engaged in legislative and law work, outside of regular appointments. I have looked over the proposed bill, which is not urged here as final, and to my judgment it is substantially erroneous from beginning to end, inasmuch as it contains matter which could not possibly come under the adjudication of the contemplated parties, and contains provisions antagonistic to provisions of the statutes which govern the employment of stenographers in the state of New York — one of which is the very last provision, in which it provides that a stenographer who shall take the place of an official stenographer temporarily must be so and so. Of course, the judge who presides can now employ any one whom he pleases, under the statutes of this state, be he competent or incompetent. Other conditions of the contemplated act are antagonistic to other provisions of the present laws. Provisions 1 and 2 could not, by any insistence of the gentlemen from New York, or through the united influence of those gentlemen and the gentlemen from the state, be even considered by the legislature of the state. We then come to the consideration of whether any legislation, any contemplated statute, would even be considered by our law-makers for the purpose of protecting, as they would say, those who are already in the shorthand business and have a continued occupation, a continued employment, and shutting out from such occupation and such employment those who are just passing through the embryonic state into a condition where they may be able to compete with their brethren who have been longer in the business. Of course, there is not a gentleman from New York, neither is there one in this room, who has not been in the condition, or substantially the condition, of some of the people who are considered incompetents in the city of New York, and who are by this contemplated statute to be prevented, at least for the present, from taking part in reporting proceedings such as are contemplated by this bill. That was a condition where a stenographer is not capable of doing expert work — of doing this, that and the other thing, as it may come along — or of doing, further than that, we may say, technical reporting, or rapid reporting, with accuracy — and without accuracy, of course, it would not be reporting. My opinion would be that the contemplated statute should read, "Any person who has had a sufficient and satisfactory experience in law reporting shall be exempted from the examination which is contemplated in this statute." The proposition is made here for the whole state, that

there shall be in each district an examining board, such boards being nominated or actually created by the appellate divisions. The appellate division, or any other division, or any arm of the law, would have exceeding great difficulty in obtaining three members of the stenographic profession, in the district which they cover, who have had fifteen years' experience in law reporting. If they do find such, they would of necessity be required to take three men who have already occupied official positions in the courts, and that is not contemplated in this proposition, because it says that these three persons shall pass upon each other's fitness in the manner provided for, and at the end of the proposition it says that this contemplated act shall not interfere in any way with the duties and privileges of official stenographers in courts of record. Therefore, this statute as contemplated does not and is not designed to affect the official stenographers of the state. Then comes the question, Does it affect the outside districts? If passed, would it affect anything outside of the city of New York? The principle prevails that in New York city there are so many who have been plucked of what little money they may have had, by the shorthand institutions, or the "private tutors" in shorthand, that they are anxious to obtain employment somewhere, no matter where, and in some way, no matter how, but they have got to get something to live upon, and those people are the ones that are doing the mischief; because, though they are not competent, still they advertise themselves as competent and are trying to get business to do in that city. The attorney is the one that, it seems to me, should furnish a reasonable rule by which to provide a stenographer, which rule should be, experience, and satisfactory experience, in reporting just such matter as he may have to report; and if such a person should apply to him and should make a rate less than the regular rate provided for the competent stenographer, he should consider that that special offer tends toward or is a condemnation of his ability. There is not, perhaps, a man in New York to-day, who has held his official position for five or ten years, who could not come under this contemplated examination. The mere test of writing 175 words per minute would be absolutely no test at all, for I guarantee that there is not a man in this room who, under certain circumstances, could not write 175 words per minute. Under certain conditions, I say: and under certain other conditions there is scarcely a man in this room, who is a professional stenographer, who could not write 300 words per minute. It might be like the old test of writing upon a typewriter from a passage of selected matter. You can write perfectly easily 350 or more words of certain matter. You can write more or less difficult matter at an increased or decreased rate, according to circumstances. But that is not a test which

will govern the appointment of a stenographer who has the duty of reporting a new case.

Now, what I was about to say, and the only thing I desire to say, is this: that after considering the whole thing impartially, as I believe, I think that the contemplated act, if presented at all, should be presented first as covering New York city only, leaving the rest of the state of New York out, and therefore no action would be required by the State Stenographers' Association, because in New York city is the principal evil. The evil is not specially complained of outside of that city. I suggest, therefore, if the gentlemen from New York have presented fully their views in regard to this matter, that a committee be appointed by the state association to receive from time to time such matters as may be conveyed to them by the committee from the city association, and to bring such matters before the executive committee of the state association at such times as they choose, such matters subsequently to be presented for the consideration of this association, if they deem it wise to consider them. I make a motion for the appointment of a committee of three for the consideration of such matters as may be presented to them, but without any authority to act upon such matters.

The motion was seconded.

Mr. CARROLL: While neither I nor any other member of the New York delegation pretend to have any power of divination by which we can imagine what the legislature is going to do under a certain assumed state of facts, we do not believe that it is a legitimate objection to say that such legislature is opposed to such and such things, without being specific. We want it pointed out specifically wherein anything referred to in that bill would be in any way opposed by the legislature. This last clause of the bill, which has been referred to, would naturally, in so far as it is in conflict with any existing law, supersede it. As a matter of fact, there is no direct conflict; and the powers of even judges may be limited by the laws of the state.

In regard to the last suggestion, we came here on the invitation of this association, assuming that the association meant what it said when it invited us to present the subject to and act with it on the question of legislation. We appear here and are met by the suggestion that the state association shall sit quietly and leisurely, at its own convenience, and receive such communications as we may humbly and deferentially submit to it; that we shall await its pleasure. Now, with all due respect and honor to the state association, esteeming its members very highly, still our association do not feel that we could put ourselves in the position of waiting indefinitely.

While I am speaking, I want to say that there have been some

remarks by various speakers regarding legislation in behalf of stenographers. I want to say that we outside stenographers, holding no official positions, have never asked for any legislation. We are under no obligation to the legislature. We have earned our livelihood, and we ask now no restriction further than that the work shall be limited to those who are qualified to do it. We ask for no trades union or monopolistic rights or privileges of any character. We ask that the state shall examine us and see that we are able to do the work that we undertake to do and ask to be allowed to do, and we ask that the state, in justice to itself and in justice to its citizens, prohibit men who are incompetent from undertaking work jeopardizing the interests of others. The assumption has been made here that a lawyer is the man to select the stenographer. I think that it is time that self-respecting stenographers should assert themselves and say that the rights of the client have been superseded by the wishes and desires of the lawyer, and that the lawyer's pecuniary interest, which we all know comes in sometimes, should not be allowed to conflict with the rights of the client, and that despite the lawyer's wishes, a competent man should be employed, and none other than a competent man shall be employed.

Mr. LAW: Mr. Chairman, I think it must be evident to all present that we have opened up a very broad subject. I believe it is also evident that we all give academic adhesion, at least, to the theory that stenographers should be licensed or examined, or in some way certified as competent. But the question that comes before us here in an eminently practical one. The gentlemen from New York city come here and ask the men who hold official positions, or the men who, not holding positions, have established business, to assist them in the enactment of a law that, so far as we can see at the first blush (it is a new proposition to me,) may not be of the slightest pecuniary advantage to us, and may possibly not add to our honor or standing. Now we are all simple people, and while some of us may possibly think that we can stand the test of 175 words a minute all right, still we do not see why we should be asked to needlessly put our heads in the lion's mouth. I expect that, like myself, the majority of official stenographers do a little outside work. We occasionally report a reference. But I suppose that some of us might hesitate to take the examination, for fear that we would not get more than 174 words a minute, or that a committee appointed with the contemplated powers might feel that somehow we should not get a license.

There is another very practical question here. You must remember the position of the average legislator. You must recollect that generally the majority are lawyers, and not

a majority but usually a very large per cent. are country lawyers, and unless you expect to be beaten at the outset, you must frame a bill that will reasonably meet with their approval. I think, from the very casual examination I have given the proposed bill, it will come very far short of meeting with their approval.

But what I intended to say was simply this: The question is so broad, its ramifications are so great, and it is evident that there is such diversity of opinion as to what is the proper thing to do, that I think that hasty action would be unadvised action, and I therefore favor a committee appointed from this body to confer with the New York gentlemen, to arrive at some fair understanding as to what action should be taken. It may be that the joint committee of these two associations would be satisfied, after looking over the field, after feeling the pulse of the lawyers, or the judges, or the members of the legislature, that at this particular time it would be unwise to present any bill. But they may be convinced that a certain kind of bill might possibly be passed, and be of advantage. I think, while it is interesting to proceed with this argument, that it has developed this fact, certainly, that there is a very wide diversity of opinion as to details, while I think the majority of us believe in the central idea that is desired to be carried out by the bill. Therefore, I would amend that a committee of three, or five, from this association, be appointed to confer with the committee from New York, not to vote that legislation should be obtained, but to consider the whole question, and to determine first whether legislation should be asked, and secondly, if so, then as to the form of it.

The amendment was seconded by Mr. Brice.

Mr. LAW: If it is the wish of the association, we might defer it to the next meeting. I think it has developed here clearly that there is considerable division of opinion, even among the gentlemen from New York. They are not entirely unanimous; and there is a very wide difference of opinion among ourselves. I think that after six months I might have different views from those I have expressed now. This morning is the first time I have expressed any ideas on the bill.

Mr. McLOUGHLIN: Mr. Chairman, I am responsible, in a large measure, for the appearance here of the committee from New York. It was at my suggestion that they agreed to come and present this matter to the association. I was not able in advance to say what the action of this body would be, because I have not professed as yet to be able to hold such a big man as Mr. Little in my pocket. I think, though, that the matter has been sufficiently discussed to-day. It was discussed in 1895, and

then this association placed itself on record as in favor of the idea of licensing stenographers. If you are going to put it off for a year, it might as well be put off forever. I think that the association should take some definite action one way or the other. And then, we might be in a position of being outdistanced by the younger association from the city of New York. I am as confident as I am of anything, that, with the energy which Mr. Ormsby and his fellow-workers have displayed, at the next session of the legislature a bill — either this bill or some bill that will be made satisfactory to all — will be presented and will be passed. It remains for the state association to say if they are willing to be placed in that position. Personally I am strongly in favor of and am committed to this scheme, and, no matter what particular action the association may take, all my personal efforts will be directed to the advancement of this cause. There is no question in any one's mind about the desirability of its being done, and I am confident that it will be done. I will not make any motion, but I think that the thing that should be done is the appointment of a committee, of say five, to confer and act in conjunction with a similar committee from the city association. To have a meeting of both associations in the fall is impossible. If you knew the difficulty experienced on Mr. Hill's part and my own, for a year, to bring together even this gathering at this time, you would know how impossible it would be to bring together a meeting in the fall.

MR. BISHOP: I am hardly interested, I suppose, at the present time, in this business, because, as probably every one here understands, for two or three years I have been out of the law stenographic field, another field taking practically all my attention. But I would like to say that if I had some practical assurance as to what the possible outcome of the conference between the two associations might be, I should take pleasure in favoring the action which the president has just suggested. But there would have to be some assurance that the bill proposed and agreed on should be very radically different in its provisions from the one which has been presented. I feel confident that the mere writing from dictation, for five consecutive minutes, of 175 words a minute, would be one of the simplest elements in arriving at the question of a man's competency. The plan, I understand, in Massachusetts, is to have a stenographer take a case. Of course, cases may differ, but it would be, if your system were followed, in the discretion of a committee to try over and over again until some difficult case were tried, and if a man were to be licensed he ought to be tested on a difficult case, because everybody knows that the very next case he strikes may be just one of that kind. So I say that the conditions proposed by any bill

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that I should feel like favoring, or that I should feel like authorizing any committee to favor, would be so very radically different in its provisions, that before I voted for submitting the question to a committee I would want definite assurance that there was to be something different.

Mr. ORMSBY: As to the test, whether it is sufficient or not, the answer is that that practically is the test that is applied for official stenographers to-day, all over the state. When they want to employ an official stenographer they apply a speed test somewhat similar to the one proposed in that bill. I might say that when this bill was first prepared it was drafted in such form that it would only apply to the counties of Kings and New York — in other words, Greater New York; that we afterwards expanded the provisions of the bill to cover the whole state, on the theory that if there were any advantages to be derived from state legislation the stenographers throughout the state would be not only willing but glad to participate in any benefits that would flow from such legislation. We desire to act harmoniously with all the members of the profession. We do not desire to interfere with the official stenographers; we do not desire to interfere with non-official stenographers reporting throughout the state. If there is anything in the bill that is unsatisfactory, we are willing to alter or amend anything in it so as to meet the wishes of the majority of the stenographic profession in New York state.

Now, of course, as a committee, we would feel sorry to come here and not have any result from our labors. It has been very pleasant to come here, and we have been very grateful for the kind way in which we have been entertained. Of course, I am here in a dual capacity, as a member of the state association and as a member of the city association's committee. But we would like to get from this association at least an expression, first, whether they think it is desirable to apply for legislation to license stenographers. That is a question that could be disposed of in a few minutes. I believe, from what I have heard, that the opinion is almost unanimous that there should be some such legislation. We would then like to get an expression of opinion from you as to whether you think we would better confine our first efforts to what we started originally to do in the city of New York; if you do not think it would be beneficial to the stenographers of the state, whether it is best so to change that bill and go ahead and try what we can do with the city association. I think you could dispose of that very quickly.

Mr. BISHOP: I am perfectly aware that what Mr. Ormsby says as to a test is absolutely correct. A personal friend of mine has been the chairman of the committee for the city of New York,

and has told me more or less about the examination. But it is nevertheless a fact that it does not always work; and I am told that on one recent examination one of the most accomplished stenographers of the city of New York failed to pass the test.

Mr. BRICE: From what I said this morning you will see that there are some things in that bill that I do not like. But I am in favor of having some legislation. I am in favor of giving to every stenographer some certificate showing what he can do, so that when a stranger comes into the place he can know what kind of work he can do. I would like to see them classified in some way. As it is now, a stranger comes in town, and he naturally will take an official reporter if he can get him. If he cannot get him, as is often the case, he is rather at sea whom to get. I had a man come in, a short while ago, who was getting up a brief to be used in London. He cited a great many authorities. He went shortly afterwards and engaged a stenographer to do some work of that kind. The stenographer said he could do it all right, but after it was done it took the man an entire day before he got it straightened out. After this experience the stranger said to me (it was one of the first things that suggested itself to him,) "You people ought to have some arrangement, so that a stranger coming here can tell who is competent to do work, and who is not." I would like to have something, even if we could not get any further than that, so that men might be licensed in three grades, and the man who hired one would know what grade he was in. He would know what he was getting for his money. If he wanted a cheap article, he could get it. I would like to see them do something in that respect, and I hope that the amendment of Mr. Law, to appoint a committee of five, with power to confer on legislation, and if possible to agree on a bill, will prevail. I think this convention can appoint a committee whom they can trust, with confidence.

Mr. ARTHUR B. COOK: Mr. Chairman, as a member of both associations, I would say, that I am thoroughly in favor of the proposed act, subject to certain modifications. It seems to me not only expedient, but fair to all concerned,—the veteran stenographers, the beginners and the public,—that there should be a provision exempting from examination all who have practiced the profession of stenographic law reporting continuously for a reasonable number of years last past—say, five years.

As to the test of 175 words, I agree with Mr. Little that it would be unjust to apply that test absolutely, without allowance for some percentage of error in taking and transcribing; for every stenographer knows that in the dictation of 175 words per minute, by the average reader, there is apt to be some inac-

curacy or indistinctness in the reading or in the pronunciation, which may make it reasonably impossible for some or any of the applicants to understand and take down all the words spoken, and still more difficult to transcribe them, — every misreading or mispronunciation being a stumbling-block in the interpretation of the context. I would vote for this test, however, in the belief that any intelligent board of examiners would make proper allowance for these facts, and judge the applicants upon a proper percentage basis, although probably requiring a higher percentage than in some other departments of the examination. What such allowance should be can only be judged by the character of the errors and the conditions of writing, etc., and this judgment can rarely be formed properly by other than an experienced professional reporter. For this reason, among others, I agree that the examiners for court positions, as well as under the proposed license law, should be stenographers.

And further, in view of the increasing employment of stenographers in the state service, I think it clear that one of the civil service commissioners of the state should be a stenographer. The relative merits of stenographers cannot be adequately determined upon the average examination by lawyers or other laymen, any more than examinations for the bar or the medical profession can be properly conducted by the unlearned. Some of the civil service examinations recently conducted for stenographers appear very primitive in certain respects, when compared with those conducted by the Ontario Association of Chartered Stenographic Reporters. For the benefit of the state service, it seems to me that the range of subjects should be broadened.

As to the wisdom of applying to the legislature, I have not the least doubt. There may be some opposition at first, but so far as fair and intelligent lawyers are concerned, such opposition, if any, is sure to be dispelled upon investigation. What we ask is plainly and incontrovertibly in the interest of the public. The profession of shorthand reporting, in its relation to the official records of the state, should no more be practiced without a license than law, medicine or pharmacy; for the simple reason that it is one of these sciences the practice of which in the public service involves the most sacred rights of the people, and the methods of which are so little understood by the people that their only safeguard lies in the public examination and licensing of practitioners. The points of this position are easily substantiated. In fact, they have already been so ably and fully demonstrated in our hearing to-day that it should be necessary only to point to the record of these proceedings.

The CHAIRMAN: *Ladies and Gentlemen:* I hope at this point you will allow an interruption. I would like to announce that we have with us the well-known and able official stenographer of the house of representatives, Mr. Fred. Irland. I will call on Mr. Irland to address us.

Mr. IRLAND said:

Mr. Chairman, Ladies and Gentlemen: I am very proud to have the opportunity to look at these faces this afternoon. I was in here a little while this morning, and listened to the very interesting discussion which was going on, and which I understand is still going on. I am not going to interrupt it very long. It is ten years since I had the pleasure of being present at one of these meetings, and at that time the subject under discussion was the licensing of stenographers; and I do not know whether it has been under discussion ever since or not. Ten years is quite a long time; but when I look around here and see the men whom I then met, it seems to me that they all look younger than they then did, and it really is remarkable to see how lightly the hand of time has touched all the friends that I knew then. I feel as though they were a great deal better friends now. At that time I had been writing shorthand for a few years, and thought I knew something about it. I feel that I do not know very much about it now, and I think I learned more this morning about both sides of a subject that I never had thought very much about, than I thought there was on either side. It seems to me that you have done here what we in Washington do not see done very often, and that is, you have gotten at the facts on both sides of the question. I have an impression that the discussion ten years ago was a good deal to the effect that it was a rather dangerous thing to fool with. I very well remember a speech by the gentleman from Rochester (Mr. Little,) whom I now see here, saying, in effect, that the best days of the shorthand profession were the days when there was very little law on the subject, and that the less law there was with reference to reporting and reporters, he thought, the better off they were. I do not know how it is in the country, but in every large city that I know anything about, the stenographers do better where there is no official reporting system than they do where there is; and like a great many other things that Mr. Bishop, Mr. Law, Mr. Rodgers, and Mr. Beach, and all my other friends, have said, the longer I have remembered what they had to say (and my memory is very good about these things,) the wiser and the better speeches I think they were. I think it would pay everybody if the transactions of those bygone years could be dragged out and read here once in a while. I am sure that the younger men (and I want to be

classed in that category for a while yet) could learn a great deal if they would pay more attention to what the ex-presidents and other famous conservers of all that is good in shorthand have had to say about it for the last quarter of a century. I do not believe that we can improve very much on what they have done, and I think they have steered shorthand matters pretty well so far, and if this association continues for the next quarter of a century to be the conserver of everything of that kind that is good in the shorthand business, as it has in the past, I am sure that no serious harm will come to shorthand writers or to the people who have to do with them. I am very much obliged to you, gentlemen, for this opportunity to meet you. (Applause.)

Mr. BISHOP: As I have to leave at five o'clock, may we suspend the proceedings until I offer, as chairman of the committee on resolutions, the resolutions on the death of Mr. Underhill and Mr. Fish? I would like to say, especially in reference to Mr. Underhill, — of course I was very intimately acquainted with Mr. Underhill, — I first knew him away back in 1862 and 1863, at about the time of the original legislation which he succeeded in carrying through the legislature of this state, and it is possible that not only I, but others, knowing Mr. Underhill, might add something of interest to the proceedings if we had the opportunity of attaching some brief remarks, to be printed afterwards, after being subjected to the scrutiny of the executive committee, on the subject of Mr. Underhill and Mr. Fish.

IN MEMORIAM.

EDWARD F. UNDERHILL.

"Resolved, That this Association regretfully takes note of the death during the past year of its former member, Mr. EDWARD F. UNDERHILL, for many years stenographer of the Surrogates' Court in New York city.

"Resolved, That we cordially and gratefully recognize the eminent services of our deceased friend to the shorthand art, and to, in particular, the fraternity of professional legal shorthand reporters, by securing, as he did, the incorporation into our State Code of Procedure, of the first statutory provisions adopted in any country, providing for the appointment of stenographers for the courts,—provisions which, though amplified and extended in scope, have not been materially varied, in substance, during the thirty-seven years that have elapsed since the original sections were adopted.

"Resolved, That we place on our records our appreciation not only of these services, but of the geniality, the wit, the native brilliancy of intellect, of our deceased brother reporter, and tender our sympathies to those of his family who survive him."

The resolutions were unanimously adopted.

Mr. BISHOP: I offer the resolutions in relation to Mr. Fish. Mr. Fish was a much younger member, and we of New York did not know him so well, though he was acting with us for many years.

JAMES H. FISH.

"Resolved, That we have heard with regret of the death of our sometime member, Mr. JAMES H. FISH, of New York city, for many years known there as one of the most competent and successful law stenographers in the metropolis; that we recognize what it means for one, starting as a printer, and then undertaking in his young manhood the study of a new art, to so perfect himself in it as to win for himself, after some years, so prominent and distinguished a place, meeting and coercing conditions that at times seemed adverse, into vehicles on which to attain rank and position in the profession.

"Resolved, That we hereby tender our sympathies to those of his family who survive him."

Mr. BISHOP moved the adoption of the resolutions.

Mr. WOOD: *Mr. President and Members:* I desire to second those resolutions. Having known Mr. Fish for a number of years, I deem it my duty and also my privilege to say a few words about his career as a shorthand writer. He was one of the first reporters in the United States court for the southern district of New York, the author of a book on the art of shorthand writing, and was acknowledged to be at the very top of his profession for more than a quarter of a century. It was only a couple of years ago that he succeeded in being appointed the official reporter in the eleventh municipal court of the city of New York, where he was highly honored and greatly respected. He stuck to his duties until the very last, and the clerk of the court told me a few days ago that Mr. Fish had to be carried from the court-room the last day he reported the proceedings, and that his death occurred in less than a week thereafter.

A few weeks before his last appointment as stenographer in the municipal court, Mr. Fish ran across a gentleman who proved to be his very best friend. He spoke to our worthy president in regard to securing the appointment, and Mr. McLoughlin was an efficient aid. So you see, members, that there is a great deal of good done by some members of this association which is seldom heard of, and I might add that it was through the energy and push of our president that I myself succeeded in having the honor of being Mr. Fish's successor.

The resolutions were unanimously adopted.

Mr. BRICE: I would now like to call up Mr. Law's amendment, that we appoint a committee of five, who are bright

enough, and know enough about general matters, to determine that matter, as far as we are concerned — just as it is stated to you by Mr. Law.

The motion, as amended by Mr. Law, was carried.

President McLoughlin having resumed the chair, the following paper was presented:

CIVIL SERVICE EXAMINATIONS.

BY WILLIAM P. CHERRY, OF BROOKLYN.

On July 29, 1896, in the then city of Brooklyn, eighteen stenographers presented themselves before an examining board of the state civil service commission for examination as to their qualifications to fill the position of official stenographer to the supreme court of the second judicial department, two of the contestants being of the fair sex. Out of this number six qualified by attaining a rating of at least seventy per cent. This examination, I understand, was the second competitive examination held in the state, the first having taken place on the 2d day of July, 1895, in the city of New York, in which Mr. C. A. Morrison, one of our members, was the successful competitor. Although appointed to fill the position, Mr. Morrison did not accept it.

I had a general idea what the examination in which I was to participate would be like; and the features of it that were impressed upon my mind were, first, the painstaking desire of the examining board to see that every one got a fair chance, and second, the nature and extent of the tests. The first test was the dictation of an opinion of some general term at the rate of one hundred and fifty words per minute for ten minutes; the second, a dictation of another opinion of the same character at the rate of one hundred and seventy-five words per minute for eight minutes; and the third, the dictation of an opinion of the court of appeals at the rate of two hundred words per minute for five minutes. This was followed by the dictation of a description of a piece of property; then testimony abounding in medical terms; then two short dictations of testimony in trolley accident cases. These latter notes, immediately upon the completion of the dictation, were taken from the stenographer, who after some little time was requested to read them back to the examiner, or what he could of them, while the examiner held the printed copy. This finished the dictation, and we then had to transcribe what had been dictated to us, except, of course, that which was read to the examiner. I turned out twenty-three typewritten pages of the matter dictated, which at the time I thought a very large amount of work for a civil service examination.

As far as I personally was concerned, I found the examiners in very good voice, and their enunciation clear and distinct; the difficulty being, as one of the competitors expressed himself, not with the ability to hear the examiner, but to follow him. The character of the work and the surroundings, with the consequent anxiety as to whether one would be able to get through with seventy per cent., the heat (and it was hot!) and the thought that there was only one vacancy and eighteen people reaching out for it, combined to make it one of the hardest day's work I have done. Especially in the speed tests at one hundred and fifty, one hundred and seventy-five, and two hundred, where the dictation was by one voice, the monotone made but little impression upon the memory, and realizing this condition, there was an additional effort to make the notes so legible that transcribing would be almost mechanical. The dictations, outside of the three speed tests, were at an ordinary rate of speed; and in the dictation of the testimony one gentleman read the question, another the answer, the objections and remarks being read by a third gentleman.

One thing that relieved the mind very much was the fact that no time limit was placed upon the contestants in getting out the transcript, and we were at our ease in trying to decipher our notes.

Being asked by one of the examiners subsequently what I thought of the character of the examination, I stated to him that, in my opinion, it was unnecessarily severe in the speed tests at one hundred and seventy-five and two hundred words per minute—too severe in the character of matter dictated. Personally I have yet to hear of any one who can think out an opinion on involved questions of law and fact at the rate of two hundred words per minute, not to speak of dictating it at that rate; and therefore, to my mind, the examination was not as practical as it might have been. In this particular opinion the sentences were involved, so that the question of punctuation entered very largely into making it read right. Of course, the punctuation marks were not dictated, and the variation in inflection of the voice was considerably minimized by the rapidity of utterance. The reply of the examiner to my criticism was that six stenographers had been able to pass with the required percentage; but although myself one of the six, I still believe that a dictation of question and answer at that rate would be better. One is not apt to be called upon to report, at the rate of two hundred words per minute, involved language with citations of authorities, while you are often pressed beyond that in a cross-examination, where the effort to stick to the witness and finish an answer when counsel has already commenced and is half way through the next question, brings out all a man's speed, per-

spiration, and perhaps a malediction upon the head of the lawyer who will not wait until the witness gets through his answer.

Your president, when asking me to write a paper, stated that all he wanted was ten folios of my experience in civil service examinations. The foregoing seems to me to cover in brief about all the facts. My experiences were pleasant, first, when I received notification of my rating, and more particularly when I got my appointment.

If you will permit a suggestion in a paper of this kind, it seems to me that if there could be appointed by the state civil service commission a stenographer on each of their examining boards in the different districts, when an examination of stenographers is to be held, it would be of practical benefit both to the board and the competitors. And there is one thing particularly that I think would be worth striving for by the board on an examination of this kind; that is, to eliminate the element of chance as to nervous or physical condition of the contestant on the day of examination; perhaps by having two examinations with an interval of two or three days between; notes taken on the first day might be held by the examiners and given to the stenographer on the second day to transcribe. I think it is within the experience of all of us that we vary in our ability to report from day to day; some days feeling able to keep up with anything, and another day making hard work of an ordinary examination. While I do not think very much of this particular scheme, still I have offered it in the hope that it will start some one thinking out a better one, and then, when we get our man on the examining board, putting it in force.

MR. ORMSBY: Mr. President, I was only going to suggest that I think Mr. Cherry is too modest. Instead of one examiner, there ought to be three. How long is it since doctors were examined by a chiropodist? And why should stenographers be examined by lawyers, who are liable to make mistakes? We ought to aim at a change, and we ought to work for it, and if we don't get it at first, we ought to get it afterwards. But don't put it too low; don't ask too little.

MR. BISHOP: I heartily agree with what Mr. Ormsby has said on the subject of who should constitute an examining committee. A board of examiners, composed of stenographers, it seems to me, would be just the thing to have. Let me say that away back at one of our Lake George meetings (Mr. Rodgers, I am sure, will remember it,) I presented a paper on the subject of "Civil Service as Applied to Stenographers." I do not think it takes that fine rank which Mr. Irland has applied to the papers in the old volumes of the proceedings, but something was said in that paper that attracted the attention of the civil service commis-

sioners, of whom Judge Schoonmaker was one, and in the next ensuing civil service commission's report quite an extract was inserted from my paper.

The following paper, on the same subject, was read by Mr. Martin:

CIVIL SERVICE REGULATIONS AS AFFECTING STENOGRAPHERS.

BY CHARLES A. MORRISON, NEW YORK.

This subject was ably discussed by Mr. George R. Bishop in a paper read at the eleventh annual meeting of this association, in August, 1886. In that paper Mr. Bishop said that "the theory of civil service reform is to secure such competent and faithful public servants that the work of administration may be carried on in the most honest and intelligent manner."

Surely there is no profession in which it is more necessary that there should be a careful examination than that relating to stenographers. Opinions may differ respecting the nature and scope of such examinations, but it will no doubt be agreed by all that appointments in the public service should be safeguarded by some positive requirement of a fixed standard of merit to which persons must attain before they can be made the objects of official patronage.

It is not necessary to dwell upon the general question of the applicability of civil service reform principles to the appointment of stenographers, for upon that question, I assume, stenographers are of one opinion; but even if they are not, the question is taken out of the field of practical discussion by the law and by the constitution.

Leaving the general question, therefore, we may proceed to a review of what has been done in this state toward applying the principles of civil service reform to the appointment of official stenographers. The testing of the fitness of applicants for the public service by competitive or non-competitive examinations was introduced into the polity of this state by chapter 354 of the laws of 1883. The first section of that act provided for the appointment of civil service commissioners, and it was made the duty of those commissioners to aid the governor in preparing suitable rules for carrying the act into effect, which rules were to provide among other things:

(1) For open competitive examinations for testing the fitness of applicants for the public service, then classified or thereafter to be classified under said act.

(2) The filling of all the offices so arranged or to be arranged in classes by selections from among those graded highest as the result of such competitive examinations.

(3) For non-competitive examinations when competition might not be found practicable.

It was made the duty of the governor to cause to be arranged in classes the several clerks or persons employed or being in the public service of the state. The state civil service commissioners were empowered to appoint a chief examiner, secretary and other assistants, and also subordinate examiners, from time to time. The mayors of cities were authorized and directed to prescribe similar regulations for the admission of persons into the civil service of the several cities of the state, and to arrange the employes of their respective cities into classes, and to appoint suitable persons to make examinations.

This act will give an idea of the scope of the civil service law and the machinery provided for carrying it into operation. It will be observed that its provisions apply to all public employes who are in the "classified service." It is made the duty of the governor, within four months after the expiration of the then present session of the legislature, to cause the several clerks and persons employed or being in the public service to be arranged in classes, and to include in one or more of such classes, as far as practicable, all subordinate places, clerks and officers in the public service of the state.

Stenographers were classified non-competitively January 5th, 1885, and under that classification they were, when candidates for appointment, subjected to non-competitive examination. They were put in the competitive class in 1895, and the first competitive examination for court stenographers under the state civil service commission was held in Brooklyn, July 29th, 1896.

I would remark here that there was a competitive examination held in New York in July, 1895, for stenographer to the court of special sessions, in which there were eighteen contestants. I do not find any reference to this examination in the reports of the state commission, and hence assume that it was not held under the auspices of the state board.

The act of 1883 received minor amendments from year to year, and finally, in 1895, as above stated, the principle of ascertaining the fitness of applicants for public office by competitive or non-competitive examination became a part of the organic law of the state by its incorporation in the amended constitution, which went into effect in that year.

In 1897 the legislature passed an act entitled "An act to provide for examinations to ascertain and determine the merit and fitness of persons seeking to enter the civil service of the state of New York and the cities thereof, the ratings upon such examinations and the persons by whom the same shall be made."

At the competitive examination for the position of stenog-

rapher to the supreme court in Kings county, held on July 29th, 1896, the subjects of examination and relative weights were as follows:

	Relative Weight.
1. Accuracy in taking and rendering words spoken continuously at the rate of 150 per minute for at least ten minutes.....	2
2. Accuracy in taking and rendering words spoken continuously at the rate of 175 per minute for at least eight minutes.....	3
3. Accuracy in taking and rendering words spoken continuously at the rate of 200 words per minute, for at least five minutes.....	5
4. Accuracy and speed in the taking and immediate rendering of question and answer dictated by different voices	5
5. Familiarity with terms commonly used in medicine, navigation, law, mechanics and the trades, to be tested by dictation at the rate of not less than 100 words per minute.....	3
6. Transcribing notes by typewriter, regard being had to spelling, punctuation and typography.....	2
	<hr/> 20
	<hr/> <hr/>

A word of explanation may be useful here in regard to the method by which the general average of a competitor is arrived at. The rating of a competitor with respect to each subject is determined by multiplying his standing upon that subject by the weight given to the subject, and the general average standing is ascertained by dividing the total product of standing and weight for all the subjects by the sum of the weights — namely, 20. For example, we will suppose that a competitor obtains, upon the first subject (the 150 words a minute test,) a rating of 98. That figure is multiplied by 2, the weight given to that subject, and the product carried out — 196. The same process is pursued with respect to each of the other subjects. The products are carried out and added together, and are then divided by the sum of the weights, the resulting figure being the general average standing of the competitor. So that the result of the examination of that competitor upon all the subjects would appear as follows:

Subjects.	Standing on Subject.	Weight Given to Subject.	Product of Standing and Weight.
1. 150 word per minute test.....	98	2	196
2. 175 word per minute test.....	96	3	288
3. 200 word per minute test.....	95	5	475
4. Dictation and immediate rendering	90	5	450
5. Familiarity with technical terms	90	3	270
6. Typewriting	100	2	200
Total product.....			1879
Divide product by sum of weights....		20	
General standing.....			93.95

The figure 93.95 is the general average standing of the competitor, and rating that he has upon the eligible list.

At the Brooklyn examination there were eighteen candidates, thirteen of whom passed and five failed.

The next competitive examination for court stenographer was held in New York on January 27th, 1897. At this examination there were twenty-one candidates, twelve of whom passed and nine failed. The subjects of examination and relative weights were as follows:

Subjects.	Relative Weights.
1. Accuracy in taking and transcribing words spoken continuously at the rate of 150 per minute for at least five minutes.....	4
2. Accuracy in taking and transcribing words spoken continuously at the rate of 175 per minute for at least four minutes.....	6
3. Accuracy and speed in taking and immediate rendering of questions and answers dictated by different voices.....	5
4. Familiarity with terms used in medicine, navigation, law, mechanics and the trades, to be tested by dictation	2
5. Transcribing notes by typewriter, regard being had to spelling, punctuation and typography.....	3
Total	20
	=====

Still another examination was held November 20th, 1897, in New York, at which there were thirty-four candidates, of whom

seventeen passed and seventeen failed. The subjects and relative weights were as follows:

Subjects.	Relative Weights.
1. Accuracy in taking and transcribing words spoken continuously at the rate of 150 per minute for at least five minutes.....	2
2. Accuracy in taking and transcribing words spoken continuously at the rate of 175 per minute for at least four minutes.....	3
3. Accuracy and speed in taking and immediate rendering of questions and answers dictated by different voices.....	3
4. Familiarity with terms commonly used in medicine, navigation, law, mechanics and the trades, to be tested by dictation.....	1
5. Questions on the duties of position and the form and contents of the official record of a trial.....	1
Total	<u>10</u>

No examination for the position of court stenographer has been held outside of New York and Brooklyn, doubtless owing to the fact that such positions can be filled under the ruling of the commission allowing one confidential appointment to each justice.

The two hundred words per minute test, which was one of the exercises at the Brooklyn examination, was omitted in the two subsequent examinations. The reason for omitting this test does not appear.

It may be that the commission considered the ability to "take" at the rate of 175 words per minute sufficient for court reporting. My own opinion is that a court stenographer, the limit of whose speed is 175 words per minute, needs to add to his skill in shorthand writing an extraordinary faculty of instantaneous condensation if he would prepare transcripts in which the scrutiny of counsel will fail to discover material omissions.

At the Brooklyn examination a weight of 2 was given to "transcribing notes by typewriter." At the subsequent examination in New York, on January 27th, 1897, a weight of 3 was given to the same subject. At the examination of November 20th, 1897, the subject was omitted, competitors being allowed to transcribe their notes upon a typewriter, or with a pen, as they preferred. It is well, I think, to omit the typewriting test, as there are very few shorthand reporters who do not invariably dictate their notes, and the more business and practice a reporter has had, the less likely is he to have retained facility in operating the typewriter, if he ever possessed it.

The weights given to the various subjects at the different examinations are worthy of note; and it would be interesting to learn to what extent the opinions of stenographers respecting the relative importance of the different subjects accord with the judgment of the civil service commission as indicated by the allotted weights.

A discussion of civil service rules as applied to stenographers would be incomplete without some consideration of the effects of the enactment of 1897, the leading provisions of which are given in the earlier part of this paper. The amended constitution declared that all appointments and promotions in the civil service should be made according to "merit and fitness," to be ascertained, so far as practicable, by examination. This marks the first appearance, so far as I am aware, of those two terms, "merits" and "fitness," in juxtaposition in any statute relating to the civil service. In the act of 1883 "examinations for testing the fitness of applicants" are spoken of, and it is provided that they shall relate to such matters as will fairly test the "capacity and fitness" of the persons examined. It is also provided in the fourth subdivision of section 2 of that act that promotions from the lower grades to the higher shall be on the basis of "merit and competition," and that, I believe, is the only instance of the use of the word "merit" in the act of 1883 or its various amendments. The act of 1897, adopting the phrase of the constitution, "merit and fitness," treats merit and fitness as two distinct things, and directs that "merit" shall be determined by examination under the direction of the civil service commissioners, and that "fitness" shall be ascertained by the person or persons holding the power of appointment or promotion; that upon the examination for merit no higher rating than 50 per centum shall be given to any candidate, and that upon the examination for fitness no higher rating than 50 per centum shall be given; that the two ratings, thus given, shall be added together, and shall constitute the final rating of the applicant and determine his order of standing upon the eligible list.

The Brooklyn examination was held before this law went into effect, and an appointment was made from the eligible list prepared as the result of that examination. Eligible lists remain good for one year. Before the expiration of that list the new law went into effect, and the ratings of the rest of the candidates on that list were reduced by 50 per cent.; that is to say, a candidate whose rating was 96.9 would have his rating reduced to 46.9. The persons whose names were on the list were cited before the judges of the appellate division in the second department; but they did not all appear. Those who did present themselves were examined for fitness, and the one standing highest

for merit also received the highest rating for fitness; and, the number of stenographers in the district having been increased by one, the top man was appointed.

The examination held in New York on November 20th, 1897, was under the law, and was for merit only. It was followed on December 30th by an examination for fitness conducted by the judges of the appellate division for the first department. The examination for fitness resulted in some changes in the relative positions of the candidates as they stood upon the merit list, and the man who obtained the highest aggregate standing for both merit and fitness was appointed. It was the obvious endeavor of the appointing power to carry out the law of 1897 precisely and exactly, and the judges who conducted the examination questioned the candidates closely as to their experience and in respect to other pertinent matters, and from the way in which the questions were answered, and from the speech and demeanor of candidates, no doubt, formed an opinion as to their fitness and adaptability for a court stenographer very much in the way that any private employer would endeavor to satisfy himself respecting the qualifications of a person who had applied for a position in his establishment. The judges also subjected the candidates to a brief shorthand test, reading from opinions and from text-books, and seeking in every way to satisfy themselves of the general qualifications of the candidates.

With respect to the merit examinations, when a class as large as that of November 20th is to be examined, where there were 34 competitors, it would be advisable to divide it into two or more batches, because where there are so many competitors all cannot be equally near to the examiners. In both the Brooklyn and the New York examinations to which I have referred great difficulty was experienced by several of the competitors in hearing distinctly. We all realize the immense advantage of being near a speaker, and the more rapid his utterance of course the greater this advantage. Even if a speaker is talking only at the rate of 125 words a minute, if a word is not distinctly heard by the stenographer at the moment it is uttered it disconcerts him and causes a "break," which might not occur if the speaker was talking 175 words per minute and clearly enunciating every word. These examinations should be so arranged as to give all competitors an equal chance of hearing, especially in the high-speed test.

Another point where the competitor sometimes gets worsted is that the examiners in reading will themselves make mistakes. Some of the competitors will transcribe the dictation as they heard it—*verbatim*; others, believing from the context that a mistake was made in the reading, will change it and strike the right word, or perhaps substitute another word. This liability

to err in reading should be guarded against by having one examiner hold copy on the other examiners who do the reading.

An objection is often made in respect to civil service examinations that they are "not practical." I do not think this is a well-founded objection. It would be difficult to imagine a scheme of examination more nearly approximating the conditions of actual work than the "merit and fitness" examinations provided for court stenographers under the existing law. It might perhaps add to the practicability of such examinations if an official court stenographer should be designated to act as one of the examining board, and paid for his services by the state; but this is a detail that the writer believes should be left to the judgment and discretion of the civil service commissioners, and any practical suggestions we make in the discussion of this subject will doubtless receive consideration at their hands.

The PRESIDENT: The next paper to be read is one by Mr. William Whitford, of Chicago, our newly elected honorary member. Mr. Whitford has the unique distinction of being a specialist in medical reporting. He is the official reporter of the American Medical Association, American Association of Obstetricians and Gynecologists, Southern Surgical and Gynecological Association, American Public Health Association, Chicago Medical, Gynecological, Ophthalmological and Dental Societies, Illinois, Kentucky and Georgia State Medical Societies, and the Chicago Academy of Medicine. I will ask Professor Heffley, of Brooklyn, to read this paper.

Professor Heffley then read the following paper:

SOME PHASES OF MEDICAL REPORTING.

BY WILLIAM WHITFORD, M. D., CHICAGO.

On receipt of an invitation from your secretary, Mr. Hill, coupled with a renewal of it from your president, to write a paper for this meeting, after much deliberation I selected as the title of my paper "Some Phases of Medical Reporting," which is a topic extremely interesting to me, and I trust it will be so to you.

Our literature abounds with articles embracing every branch of shorthand work except medical reporting, but on this particular subject it is extremely meagre. It is true that short references have been made to it from time to time by stenographers in speaking of its difficulties in connection with other matters coming within the daily professional work of the shorthand writer, but no one, as far as I know, has as yet ventured to go into the subject exhaustively. Having had an extensive

experience in this line of work, and having made it a specialty for the last twelve years, I hope that my contribution will prove instructive and suggestive to those who may be called upon to do it.

It is generally conceded that medical reporting is the most trying and difficult work with which the professional stenographer has to do, and it behooves one who expects to do it successfully to master not only the thousands of technicalities employed by physicians and surgeons, but to be fairly well acquainted with the various subjects that are discussed from time to time. It is said that there are from forty to fifty thousand terms in use by physicians and surgeons in discussing the various subjects pertaining to surgery, medicine and the collateral sciences. It will therefore be seen that to master these is no small undertaking. The medical stenographer is called upon to take notes at medical colleges, hospitals, insane asylums, and of post-mortem examinations.

Reporting at Medical Colleges. — The average length of a medical (didactic) lecture is one hour. The professor selects a certain disease, or perhaps the therapeutical or toxicological action of certain drugs, for a subject. If the former, he defines it, then dwells upon the pathological anatomy, the causes, varieties, symptoms, sequelæ or complications, diagnosis, prognosis and treatment. These lectures are quite technical, and at times difficulties are encountered in reporting them, such as a disconnected or involved style on part of the speaker, and the work of straightening entangled sentences and supplying defects involves an amount of mental effort and application little suspected by the beginner. Although these lectures are generally reported word for word, they are not so transcribed. Generally they require considerable editing on part of the reporter. Very few physicians, like the majority of public speakers, speak with such accuracy as to require a verbatim transcript, and if the stenographer in this work values his reputation he will have to recast badly constructed sentences and literally bring order out of chaos. It is very essential that the medical stenographer be unusually painstaking in recording the names of drugs and their dosage, more particularly in cases where strychnia or morphine is prescribed, for a mistake of even one-quarter of a grain of either of these drugs might terminate the life of the patient: consequently he should be more or less familiar with the dosage of different drugs, especially toxic agents and their action, and, in cases of doubt, should consult a medical formulary.

Clinical Lectures. — The average clinical lecture is more desultory and fragmentary. It is purely impromptu. A patient is brought into the lecture-room of a medical college or hospital,

the professor not knowing in advance what disease he has to encounter and to talk about. The patient, if of sound mind, is closely questioned with reference to the symptoms and cause of his or her disease, as the case may be, and from the history elicited and indications a presumptive or correct diagnosis is made, after which the professor expatiates upon the malady and the probable outlook for the patient's recovery. These lectures are frequently interspersed with demonstrations, and the professor in speaking will frequently refer to *this* and *that*, without naming the particular anatomical locality; consequently if the stenographer is not familiar with the anatomy of the parts, his transcript here and there will be unintelligible.

An unpleasant feature in connection with reporting clinical lectures is that a table is not always provided for the stenographer, he being compelled to write upon his knee. A good seat and a good location are indispensable to the stenographer in order to do his work easily, satisfactorily and comfortably. It is unsafe to report such lectures at a considerable distance, unless the speaker has a clear, distinct delivery and far-reaching voice. The writer always prefers to get as near the speaker and the patient to be operated upon as possible, regardless of the atmosphere being laden with the fumes of the anæsthetic.

A medical stenographer should possess the faculty of mental acquisitiveness. What to observe is an important desideratum in reporting both medical and surgical clinics. What he sees during an operation, in watching the movements of the surgeon, will aid him materially in his work. Now and then he will see a patient or two die on the operating table; he will see medical students faint during a very bloody operation, and yet he is supposed to be the happy possessor of sufficient imperturbability to stand it all. After a while he becomes accustomed to it and does not mind a little blood.

Reporting at the Insane Asylum. — Of all the trying, embarrassing and perplexing duties which fall to the lot of the medical stenographer, reporting at the insane asylum ranks foremost. Insane patients are morbidly curious. They will ask the most outlandish questions; they are prone to tell you of startling and marvelous things they have done in the commercial, scientific or even spiritual world. They will tell you of great inventions, enormous business transactions, of their versatility, their successes and failures. Their exaggeration of personality may lead them to say they are kings, queens, great actors, musicians or statesmen. They are the victims of their rapidly changing ideas and impulses. There is a feeling of personal importance. These people organize all sorts of business plans, give contradictory orders, or make plans for their enjoyment regardless of the

expense. Their ideas flow with abnormal rapidity; and their physical activity corresponds to their mental exaltation. They recall readily past events. All the perceptions and memory are keen; they plunge precipitately from one idea to another, and some of them speak constantly. The facial expression is animated, but rapidly and frequently changes.

I recall reporting a lecture on "The Types of Insanity" some years ago at the Dunning asylum. There were about eighty medical students present at the lecture. The professor thought the students could acquire a more thorough knowledge of the different forms of the disease by watching the movements and expressions of such patients. I accompanied the professor through the wards of the institution, a number of patients were picked out and ordered to be taken to the lecture-room. These patients afforded excellent illustrations of the disease from the mild to the most violent form. During the delivery of the lecture the patients danced, sang, talked boisterously, made grimaces, regardless of what the lecturer was saying. When he reached that portion of his subject which pertained to the incurability of the advanced form of insanity a lady patient sneaked up by his side and said in a serious manner, "What a devil of a talker you are!" The professor was temporarily dazed, but afterwards joined with the audience in laughing. After a few similar experiences I have reached the conclusion that reporting at asylums is enough to disturb the mind of the most placid mortal, and perhaps if the reporter should prosecute his work long enough in this direction it might make him an available candidate for admission.

Diffuseness.—The medical stenographer encounters a tendency to diffuseness on the part of young doctors, which may be defined as a copious use of words so arranged as to create the suspicion that a thought is somewhere concealed among them. The youthful physician in debate feels it necessary to describe ordinary things in an extraordinary way, and strives to dignify commonplace thoughts by clothing them in fulsome rhetoric. The result is a painful incongruity between the thoughts and their apparel. For instance, a young physician, instead of saying that a man was thrown sidewise from his carriage, breaking his leg and putting his ankle out of joint, said that the patient was projected transversely from his vehicle, fracturing the tibia and fibula and luxating the tibio-tarsal articulation. Again, another speaker, instead of saying that he had found a large cancer of the liver at a post-mortem examination, said that he had found a colossal carcinomatous degeneration of the hepatic mechanism. For journalistic purposes such technicalities should be converted into good, clear, robust English.

Self-possession is a quality very essential to the medical stenographer. The coolness and collectedness which come from very long and careful mental control are the most reliable, and their exhibition in trying emergencies will ever command the admiration of those who employ him. He should cultivate the habit of observation. It is surprising how much more one person will see in a given space than another from having the faculty of observation by nature or education in a state of superior development. To observe and analyze, to collect and generalize, should become a second nature to him. His mind should be so trained and accustomed to the process that it will act, as it were, spontaneously.

Revision of Speeches. — This should be done with great care and deftness in order not to misinterpret the ideas of speakers. While constant practice will enable one to condense and revise rapidly, yet I believe that the expert reviser has innate talent in this direction. Early, careful journalistic training readily fits one for this work. To condense and revise well one needs a good knowledge of the subject dealt with. I think you will agree with me when I say that there is no practice among shorthand writers more calculated to degrade the profession than rendering notes *verbatim et literatim*, regardless of reason or sense, particularly in speech reporting. One very important point in reconstructing or modifying badly formed sentences is to preserve the speaker's individuality in the phraseology employed. For instance, we know that short, pointed sentences are indicative of some speakers, while long and copious sentences are characteristic of others. The limitations of speech revision are hard to define. I find that some medical discussions require very little revision; others the most drastic treatment. The medical stenographer oftentimes receives many compliments for judiciously pruning, excising or embellishing a speaker's ideas, particularly where it is absolutely necessary. Furthermore, by so doing he is not so liable to be exposed to the imputation of inaccuracy and carelessness. The shorthand writer's transcript is the fruition of his skill, and he must not expect to excel in medical reporting if he is not a dexterous reviser.

Education of the Medical Stenographer. — The official reporter of medical societies, upon whom so much depends, should be well fitted by education and training for the arduous and responsible duties of his profession. It is not enough that he should be a rapid writer; but he needs other qualifications essential to success. He should have a good English education. He should be a careful, diligent reader of current medical literature. He should not only have a general acquaintance with every phase

of medicine and surgery, but a smattering of the collateral sciences; for, as Thomas Allen Reed has said, "In scientific reporting the difficulty does not arise solely from the use of unfamiliar terms; it arises partly, and perhaps chiefly, from the difficulty of following the ideas and arguments of the speaker when discoursing on a subject of which the reporter knows little or nothing."

George H. Thornton, a distinguished member of this association, says that "the difficulty attendant upon reporting technical matter comes largely from inability to grasp quickly the idea of the speaker on account of the lack of familiarity on the part of the reporter with the phraseology employed."

Charles C. Marble writes: "Medical reporting requires very considerable technical training, and, indeed, a course or two of medical lectures may be regarded as well-nigh indispensable."

Dr. George M. Gould, editor of the *Philadelphia Medical Journal*, says that "the medical stenographer must either be a medically educated man, or he must have given patient and serious study to the strange words, and to what to the ordinary person is little more than jargon. The medical stenographer is one of those praiseworthy specialists of our highly differentiated modern life that we may avail ourselves of with excellent advantage as editors."

In medical reporting the whole meaning of a sentence is sometimes shrouded in a technical expression, and failure on part of the stenographer to catch it makes the speaker appear in a ridiculous or nonsensical light. It is not necessary for a stenographer to be a graduate of medicine to do efficient medical reporting, but he should be more familiar with medical nomenclature than the average physician. It is not necessary to have the scientific attainments of a Darwin to report lectures on evolution; neither is it essential to have the legal learning of a Blackstone or a Story to do efficient court work, but the stenographer should strive to become as proficient as possible in the particular line of work in which he is engaged, whether it be legal, commercial, legislative or medical reporting.

Specialism in Reporting. — The tendency of the times is toward specialism. The ramifications of shorthand work have so extended that no one man can any longer thoroughly master every branch of it; hence the need for specialism. Stenographers of the present day are inclined to be specialists, giving their attention to law, medical or literary reporting, as they may be best adapted to one or the other, according to their education or experience, precisely as lawyers make a specialty of civil, criminal, admiralty, patent, real estate or other branches of the law, or as physicians adopt one or more departments of medical

practice. The true specialist may be considered as one specially distinguished for learning and skill in a given pursuit. No man needs a vaster store of learning and greater experience than the specialist, whether he be a law, a medical or legislative reporter. Proper education, sufficient training, ability and special aptitude mark some men as fit subjects for specialists, and these qualities are soon discerned by patrons or employers.

Intersections in Medical Reporting.—I cannot recommend too highly the use of intersections in medical reporting as time-savers. Intersections are not, strictly speaking, arbitrary signs made for the purpose of representing certain words or phrases, but they are largely based upon and are governed by abbreviating principles, and do not tax the memory of the stenographer like word-signs or logograms. Most stenographers devise a number of signs for frequently occurring phrases. It is exceedingly difficult to point out the limits of the application of abbreviations by intersections for special reportorial work. No matter what the intersection may be, it should be readily suggestive of the words for which it is intended. The principle of intersection may be used to great advantage by writers of any of the modern systems of shorthand in medical reporting, in writing the fissures of the body, forms of fistulæ, kinds of bacilli, cavities of the body, etc. We present herewith a few examples illustrating this principle:

FISSURES OF THE BODY.

Sylvian fissure.....		Uncinate fissure.....	
Umbilical fissure.....		Spheno-maxillary fissure..	

FISTULÆ.

Fæcal fistula.....		Mammary fistula.....	
Gastric fistula.....		Rectal fistula.....	

BACILLI.

Bacillus of tuberculosis....		Bacillus of fermentation....	
Bacillus of putrefaction....			

CAVITIES OF THE BODY.

Peritoneal cavity.....		Pleural cavity, etc.....	
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Abdominal cavity..... ✕ Pelvic cavity..... ✕

It is a well-known principle in our standard systems of shorthand that by disjoining a consonant we add *ility*, *arity* or *ality*.

For example, barbarity, ✕ ; legibility, ✕ . In medical reporting the writer has applied this principle with great advantage to all words ending with *itis*. Examples:

Bronchitis 3— Meningitis ~

Pyelitis ✕ Dermatitis L

Electricity plays such an important role in the treatment of diseases in these days that electrical terms are frequently employed by physicians, and the intersection principle here again can be used to great advantage. Examples:

Voltaic battery..... ✕ Thermo-electric battery... L✕

Electric battery..... ✕ Axial current..... ✕

Galvanic battery..... ✕ Direct current..... 7

No fear need be entertained that any of the above outlines will clash with other shorthand characters. All of them may be employed with safety.

Differential Outlines. — Such words as laceration and ulceration, sulphite and sulphate, interior and anterior, swelling and swallowing, deviation and division, indigenous and endogenous, and many others that might be mentioned, should be written differently in medical reporting, as they are very liable to conflict.

Odd Experiences in Medical Reporting. — Some doctors are not always as peaceful, sympathetic and affectionate as they look. I recollect reporting the proceedings of a medical society, noted for warmth of sentiment and vigor of expression, when a physician preferred charges against a fellow-practitioner for violating the code of ethics, and did so in a spiteful manner. The principal charge was that the doctor in question advertised too much. Both physicians hailed from the same town. The members of the association listened very attentively to the charges as they were read *seriatim*, while the accused physician began to look deathly pale. After the last charge had been read the accused sprang to his feet, and with great vehemence denied the

allegations, whereupon the other physician arose, and with a great display of temper called him an "infernal liar." Quick as a flash of lightning both physicians simultaneously thrust their hands into their hip pockets, drew their glistening revolvers, and were it not for the powerful arm of a big, commanding, stalwart country doctor, who sat between them, there would undoubtedly have been a fatal shooting affray. As soon as the words "infernal liar" had been forcibly uttered, and I saw that things were getting uncomfortably warm, I made a dive under the table, as one of the guns seemed to have been leveled at me instead of at the accused. Just as soon as there was a lull in the storm I crept out from under the table and nervously resumed my work, which was reporting an apology by the unruly member for having indulged in such profane language. A thorough investigation showed that the charges preferred against the physician were founded on pure prejudice, and were made in a rancorous spirit.

A strange, yet more weird, experience was that of accompanying a pathologist and grave diggers to a cemetery at night for the purpose of exhuming a body and dissecting portions of it to determine whether or not death was due to natural causes or produced by drugs taken internally under suspicious circumstances. I have a vivid recollection of this, one of my early experiences in medical work. The night was very calm, the stars shone brightly, and not a sound could be heard except the voice of the pathologist in dictating his post-mortem findings to me as he proceeded step by step with the dissection.

Medical Stenography as an Aid to Authors.—The services of the medical stenographer are frequently called into requisition in assisting authors in the preparation of manuscript for publication. This work will be found a pleasing diversion to him from the usual routine of reporting lectures or society proceedings, and will materially add to his knowledge. If he is ever on the alert to imbibe "the thoughts that breathe and the words that burn," he will follow the author's train of thought as closely as possible, and from which he will derive a large fund of information. On the other hand, if the medical stenographer simply does his work mechanically, pays little or no attention whatever to the arrangement, the ideas, the phraseology, or the style of the author, note-taking will be tedious. I have had the pleasure of taking several books from authors' dictation—medical, scientific and otherwise. In one instance the dictation was very deliberate, the author being unusually painstaking to clothe his ideas in such choice language as to necessitate but little revision of the typewritten transcript when finished. Quotations from books were read rapidly, and here let me say it behooves the

stenographer to be exceedingly careful to record the exact words, for the omission of an important word and the substitution of a wrong one may lead to serious misinterpretation.

The rate of speed at which chapters of books are dictated to stenographers must of necessity largely depend upon the familiarity of the author with his subject, his volubility of speech and command of the English language. Some authors for whom I have taken dictation would dispose of a chapter at one sitting, while others would proceed slowly, cautiously and with considerable hesitation, making material changes in the text here and there, and they would not average more than from two to three thousand words an hour. Sometimes great alterations were made in the formation of the original sentences. Some of the authors paced up and down and gesticulated while dictating; others used very few gestures, but sat at a table and confined themselves strictly to the notes, books and memoranda before them.

Authors, in consulting the literature of foreign languages in the preparation of books, occasionally require the services of skilled stenographers to dictate rapidly such passages or paragraphs as they wish to utilize. In this way they can accomplish much more work than by following the old method of *grinding out*, as it were, line after line in longhand and "burning the midnight oil." On one occasion I was occupied an entire night in taking dictation for three distinguished physicians who were consulting French, German, Spanish and Italian literature for available material to incorporate into a book which they had in preparation.

In the days of the old medical authors shorthand writing had not advanced to its present state of perfection, nor were the services of stenographers utilized so extensively as they are to-day for commercial, political, literary and other purposes, or surely the brilliant intellects of the past would have availed themselves of them.

Classification of Speakers. — A study of the different styles of speakers, encountered during an extensive and varied reportorial experience, may be considered an education in itself, and by virtue of his vocation the shorthand writer is compelled to study them. As there is no one more competent to criticise speakers than the man upon whom devolves the duty of reporting them, I have made an attempt to classify the various speakers whose utterances I have reported from time to time in medical societies. What pertains to physicians as speakers will apply equally well to preachers, political speakers, etc.

We have:

1. The moderately slow speaker.
2. The exuberant and tempestuous speaker.

3. The musical, flowery speaker.
4. The loud, husky speaker, whose voice is somewhat indistinct.
5. The grandiloquent speaker.
6. The rapid and spasmodic speaker.
7. The excessively rapid speaker.
8. The rapid, involved and indistinct speaker.
9. The man who hurls disconnected sentences at the stenographer.
10. The clear, distinct, unassuming speaker, who talks with absolute precision, with perfect grammar. He is a *rara avis*, although stenographers occasionally meet him.
11. The man who commences his speech in a deliberate, measured, distinct, far-reaching tone of voice, and who, when he becomes influenced by the magnetism of his audience and their rapt attention, gives vent to rare flights of oratory.
12. The irrepressible speaker, who does not know enough to sit down while he is down, but who monopolizes the precious time of an important convention in saying practically nothing; still his remarks are reported, transcribed and then perhaps liberally blue-penciled, or consigned by the secretary of the association or editor to the waste-basket.
13. The man who jumbles up his nominative, his accusative and his verb with such picturesque incoherence that it is almost impossible to make head or tail of what he means.
14. The man who threads his way through a long and apparently intricate sentence, never losing the connection of the parts, and coming out at the end with absolute precision.
15. The man who does not realize that his first duty is to make himself heard.
16. The man who never completes his sentences, but is utterly oblivious of that fact when he criticises the report of his speech.
17. The man who misquotes, and then blames the shorthand writer if he has not supplied the correct quotation.
18. The foreigner, who imagines that he speaks like a native.
19. The man who drops his voice toward the end of sentences.
20. The low, mumbling, conversational style of speaker, who indulges in a free and rapid flow of words which taxes the reporter's skill and dexterity.
21. The man who is extremely subtle in the use of words and phrases. The shades of meaning are so delicate by the judicious selection of them that the stenographer must retain the original force and color of each sentence.
22. The sympathetic, lachrymose speaker.
23. The man who habitually clothes his hazy ideas in loose, disjointed talk, which, if transcribed as uttered, would mar, if not ruin, his reputation.

24. The man with a slow and fatiguing mode of utterance, whose sentences are diffuse, intricate and deficient both in eloquence and precision.

25. The man who is clear, forcible, persuasive, with an eloquence natural and direct. This type of speaker usually spends much time in meditation and in the composition of his speeches.

26. The man whose speeches are notable for their subtlety of discrimination and depth of learning.

27. The man who evolves original thoughts, whose imagination pictures vivid scenes, and whose voice and gesture emphasize living truths.

28. The eccentric speaker, who stifles and distorts natural eloquence. His introductory is long; divisions and subdivisions are perhaps illustrated by a pointless story.

29. The man who carefully selects his words and utters sentences that are models of syntax.

30. The man whose style is natural, easy and varied, with short clauses expressing vivid ideas.

31. The tautological speaker.

32. The vivid, brilliant speaker, who pours out a torrent of words, dextrously handled, and whose remarks are full of sudden turns and surprises, but are illumined by ingenious reasonings.

33. The man with a strange and unfamiliar style, whose sentences are portentously long.

34. The man who speaks rapidly and monotonously, becomes entangled in his own sentences, and mispronounces words.

35. The man who is known for his elegant diction, his scholarly references and the ornateness of his phraseology.

36. The man who stutters, speaks indistinctly and yet is extremely technical.

37. The pompous speaker.

Undoubtedly the members of this association during long and varied experiences have met with styles of speakers not embraced in this classification, and I hope they will contribute towards its extension and completeness.

If the few thoughts and suggestions presented in this paper will simplify or in any way lighten the burdens of stenographers in this trying and difficult field of reporting, my object in writing it will have been accomplished.

The PRESIDENT: We are indebted to the learned gentleman from Chicago for the pains he has taken in the preparation of his paper, and for the masterly way he has treated the subject of medical reporting. I do not know that we have here in the east any stenographer whose time is solely devoted to reporting medical matters. There are many excellent suggestions con-

tained in the paper, and it will make interesting reading for those who are called upon to report medical men.

All court stenographers meet with difficulty, at times, in handling a case in which physicians are called as witnesses. The desire of the young doctor to give expression to outlandish technical terms is a disease that seems to be incurable. It is decidedly edifying to watch the face of the average juror as he attempts to follow the learned language of the young fledgling in medicine, airing his newly acquired knowledge of medical terms, and to observe how crestfallen the follower of Hippocrates looks when he is asked to give his testimony in every-day English so that the jury may understand it.

We all must thoroughly agree with Mr. Whitford in his statement as to the impossibility of reporting correctly a lecture or speech on a subject of which the reporter knows nothing. The abbreviated shorthand signs shown in the article and on these larger charts would, I judge, be useful to a man who is continually writing medical terms, but could hardly be recommended for general adoption. The list of the various styles of speakers is so complete that I doubt if any addition could be made to it.

I will now ask for any discussion there may be on this paper.

Mr. CHERRY: Mr. President, I think the paper just read is a most valuable contribution to our shorthand literature. Mr. Whitford's chosen field of work is undoubtedly a most difficult one, but there have been cases in trial courts before the jury when it seemed to me the limit had been reached. Our president could tell some tales of difficult work within his experience, particularly in the Buchanan murder trial, where the testimony was principally given by medical experts, and one of the attorneys for the defense was a member of the medical profession. There was another case in Brooklyn, a libel suit brought by a woman physician against one of our newspapers, where the plaintiff was accused, if I remember rightly, of malpractice, and a number of instances cited. The case lasted four weeks, and consisted of little but expert medical testimony as to the necessity of performing the operation of laparotomy, which it was claimed had been needlessly performed in many cases. This was the most difficult case to report, I think, that ever came to Brooklyn.

The part of the paper treating of intersections interested me a great deal. In accident cases very often there is a word or combination of words constantly recurring, and a short form for that individual case is a great help in "keeping up with the procession," especially where our young friend, the ambulance

surgeon, is airing his knowledge before a jury. When the young doctor appears on the stand I always get ready for hard work. Still the forms exhibited, while showing a great deal of thought and an ability to remember outlines, do not strike me as being particularly useful to the court reporter. I can appreciate how valuable they are to a man with a good knowledge of medicine and surgery, constantly doing this class of work, but our practice is so varied, and really difficult medical work so little met with, comparatively, that to adopt such abbreviated forms as presented would be a burden rather than otherwise. And I suppose the same thing would apply to the medical reporter — that to memorize our short forms for many legal phrases would hardly pay, although he might run across them once in a while. This paper has been a most entertaining and instructive one to me, and I am very glad indeed to have listened to it.

MR. WOODLE: I entirely agree with some things that Mr. Cherry has said about this well-prepared paper. For instance, as to the intersections. I can see how the acquirement of those by any stenographer not extensively engaged in the very technical work that is covered by this subject might be in his way, and very much confuse him in the more general classes of work that he has to do. Of course, the illustrations are nevertheless interesting, because they open up to the general practitioner, if it is proper to apply that term to ourselves, an idea of the opportunity for that sort of thing in other branches. Personally, I have always avoided them, because my work has been in all lines under the sun, and I have always felt the danger of becoming inferior in some lines if seeking to become eminently superior in any one.

I have called it a well-prepared paper. I had an idea when the reading of it was first started that we should hear something very general and not particularly interesting. I am glad to say that I have been very agreeably disappointed. The whole paper has been exceedingly well thought out, and some things, such as the statement, among other things, of the qualifications necessary to a stenographer in pursuing medical reporting, of a good English education, a diligent reading and a smattering of collateral sciences, I consider well put. As the reading went on I found that Mr. Whitford seemed really to know a great deal about the subject, and certainly very much more about the details of it than I do, and I did think that in an experience of over twenty years in general work I had learned something even about the medical. But I am almost ready to concede now that I don't know as much as I thought I did.

The paper is so long that at this hour we have hardly time to properly discuss it, as such discussion ought to go very

largely into the details. One trouble about discussing it is that there is very little, if anything, to contest. It might be possible, if we had copies of it before us, that we might find here and there something that would not strike us exactly right, but as we have heard it it seems to me too entirely true to say anything against it, and that all we could say would be in further elaboration of the truths expressed.

It did strike me, however, I will say, that those qualifications that he speaks of we might all claim as essential not to his line alone, but to the lines of all the rest of us. In our general work the stenographer who has not a good English education, and is not a diligent reader, and has not a smattering of collateral sciences that is collateral to each of the subjects he may be brought up against, is not a good stenographer. The stenographer who is not self-possessed and observing is not a good stenographer. The stenographer who has not mental acquisitiveness is not a good stenographer. The stenographer who does what he calls mechanical work is not a good stenographer. While it is true that a knowledge of the particular terms in any particular science or class of labor is a wonderful help, I am satisfied that we will all have to concede that above and beyond any such knowledge is necessary a broad education such as is acquired by an extended reading, extended observation and a wide-awake all-round application. It is those things that give him confidence, or rather the possession of them. It is the possession of those things that makes him ready at a moment's notice to enter upon the reporting of any sort of matter, whether it be in the branches of building or in admiralty work, or in medical work, or in purely legal work, or in correspondence upon any subject, or anything else, and enable him to give satisfaction not only to those by whom he is employed, but to himself; and if a conscientious stenographer is himself satisfied with his work he can generally be sure that his employer will be also.

On motion, a vote of thanks was given Dr. Whitford for presenting his most interesting paper.

On motion, a vote of thanks was extended to the Troy and Albany stenographers for the entertainment provided.

Mr. ORMSBY: Mr. President, I wish to second the motion, on behalf of the committee that I represent. Coming from the association in New York, we are more than grateful for the many hospitalities enjoyed, and the pleasant associations we have formed. They will endure with us for a long time.

At the suggestion of the president, a rising vote was had, and the motion was adopted, the local members not voting.

The PRESIDENT: I overlooked one thing, both to-day and yesterday. It was announced in the Troy papers yesterday morning that our honored and distinguished member from Troy, Mr. Kelly, was to read a paper. We will have the paper now from Mr. Kelly.

Mr. KELLY: *Mr. President, Ladies and Gentlemen:* I did not see that article in the Troy papers. I do not know of any paper which I can read, unless it be one of those in the *Times-Union*, which have been so ably prepared by Mr. McLoughlin. If he will furnish me with some of the copies that were at his table last night, I would like to read some of the articles written by him.

Col. DEMMING: I had hoped to be present to hear Mr. McLoughlin's paper on "The Humorous Side of a Reporter's Life," which I understood he read at the convention last year. I had thought that I might contribute one or two of my own experiences. At Gettysburg I was reporting a case, and there was a lady testifying, and she said that she wrote a letter and put it in an *antelope*, and sent it off. At York, some time ago, they were empaneling a jury, and a young man who hangs about that court-room, and is accustomed to use language that he does not quite understand, was passing out, and was questioned by a bystander in regard to what was going on in the court-room. He said: "Oh, they are not doing anything now, except *embalming* the jury."

At the request of Mr. Beach, chairman of the committee on applications for membership, Mr. Wood presented the report of the committee. The committee reported favorably on the following applications for active membership:

William Wortman, Hudson.
 Marie A. Wilson, New York.
 W. W. Nichols, Jr., Plattsburgh.
 James A. Donnelly, New York.
 Alvin E. Mambert, Troy.
 Herbert L. Murdock, Elmira.
 Edward C. McEntee, Albany.

Mr. LOEB: I take pleasure in moving the election of the candidates named. (Carried.)

Upon motion of Mr. Loeb, the secretary was instructed to cast one ballot for the candidates mentioned, and such candidates were declared to be elected.

Mr. Rodgers, chairman of the committee on the nomination of officers, reported the following nominations (President McLoughlin having already been re-elected by acclamation—see page 48:)

For Vice-President — A. B. WEAVER, Buffalo.

Executive Committee — ROBERT R. LAW, Cambridge, (Chairman;); WILLIAM M. THOMAS, Albany; WAT. L. ORMSBY, Brooklyn; JOHN H. WILSON, Syracuse; Miss ETTA A. EMENS, Rochester.

For Secretary — ARTHUR B. COOK, New York.

For Librarian — Miss M. JEANNETTE BALLANTYNE, Rochester.

On motion of Mr. Beach, the report was unanimously adopted.

Mr. COOK: *Mr. President, and Fellow-Members:* I beg to thank you most heartily for your kindness in electing me to the secretaryship. I was warned last night that this might follow the temporary election of yesterday, and as I am already secretary of several other organizations, I have seriously hesitated in regard to accepting this office. But I appreciate so highly the honor, and believe so thoroughly in the organization, that I have decided to undertake the duties, and shall be glad to do what I can for the welfare of the association. I would be glad, however, if you would elect a separate treasurer.

The president stated that this could not be done without a constitutional amendment, and Mr. Cook consented to act as treasurer also.

The PRESIDENT: We have with us, ladies and gentlemen, one of our active members from New York city, who has come, at great inconvenience, from Milwaukee, where he is engaged in reporting a German medical convention. I have the pleasure of introducing Dr. Rudolf Tombo, of New York city.

Dr. TOMBO: I have been a member of the state association for three years, but this is the first time I have had the pleasure of attending your annual meeting, and I must say I am glad that I arrived in time to attend at least your last session. Ladies and gentlemen, the New York State Stenographers' Association is the best-known shorthand corporation of the world. I have been a constant reader for many years of quite a number of German shorthand magazines, and I can assure you that the proceedings of your association, and the excellent papers presented here, are appreciated in my native country just as highly as they are here. This is especially due to the indefatigable efforts of a personal friend and former colleague of mine at the German reichstag, your honorary member, Professor Zeibig, at that time president, although now retired as a member, of the Royal Stenographic Institute. Prof. Zeibig, in spite of his seventy-nine years, is still very active and strong, and has a lively interest in all that is going on in the shorthand world. Prof. Zeibig wrote to me about two weeks ago, and he says that he feels still strong and happy, and he expressly requested

me to convey to you, from him as your honorary member, his hearty greetings and best wishes for the success of your annual meeting. (Applause.)

Mr. LOEB: Mr. President, I have a statement to make from the committee on legislation. As chairman of that committee, I have watched very closely all matters of legislation pertaining to the association, and of interest to the profession at large, and I have received and answered a number of communications in reference to the proposed legislation. When the knowledge came to me of the legislation proposed by the Statutory Revision Commission, I conferred with Mr. Rodgers, the other local member of the committee, and in deference to his experience and acquaintance among the official stenographers of this state, I left in his charge the matter of notifying the official stenographers of the several judicial districts, and also distributing copies of the proposed act. As a number of you know, a meeting was held in Albany, December 31, and a conference was had with the commissioner of statutory revision, Mr. Lincoln, who accorded us a very courteous hearing, and accepted, I believe, every suggestion that we made tending toward the improvement of the bill. In the progress of the bill through the legislature, I was very active in forwarding its passage. It passed the senate, but on account of the bill reaching the assembly during its closing hours, and also on account of the extreme importance of the measure, — the general stenographic law being made a part of the judiciary law, — there was objection to its passage in such a hasty manner, and action thereon has been deferred until the next session. I think that next year the bill undoubtedly will pass. I think the stenographic part of the act will be passed practically as it now is, and I would suggest that any amendment that is proposed to the stenographic law should be put in form and presented to the Statutory Revision Commission, in order that it may be incorporated in the general law, rather than that statutory amendments should be sought to be passed hereafter.

Now, Mr. President, it is not a matter of small labor to look after stenographic legislation. I might say that fortunately it is not so much trouble to me to look after it as it would be to others in different parts of the state; but I will say that legislation affecting the stenographic profession will always have my deep interest, and that I shall continue to keep a watchful eye on it, whether I am on the committee or not.

Mr. Little moved that a printing committee be appointed by the chair for the ensuing year.

The PRESIDENT: While the president is making up that committee, there is a gentleman with us from Wheeling, West

Virginia, who has come that great distance to attend our session, and we should not close without hearing from Mr. Schrader, of Wheeling.

Mr. SCHRADER: *Mr. President, Ladies and Gentlemen:* I had hoped to have an opportunity of thanking you for the privilege of being here. Mr. Hill was kind enough to invite me, and I told him that I would try and come. I did try, and I came. I said last night that I supposed I came as far as any one. It takes me nearly, I think, 24 hours to get here, and I have traveled over 600 miles, and when I say that I am not only satisfied, but very well pleased with my visit, I think you will understand that I appreciate the invitation of Mr. Hill, and the courtesy of the gentlemen of the association. I am very much obliged to you all. (Applause.)

Upon motion, Mr. Schrader was elected an honorary member.

The president appointed the following committee on printing: Spencer C. Rodgers, Albany; Arthur B. Cook, New York; Norman P. Heffley, Brooklyn.

Mr. RODGERS: Every year we carry over to the next year a number of delinquent members who do not meet their assessments. I do not think that this is just to those that do pay, and it seems to me as though, with the change of secretary — I am not reflecting upon the outgoing secretary at all — the new secretary should inaugurate a new system, and enforce the provision which we have in the by-laws relative to delinquent members. There is no reason why we should furnish these members with the proceedings every year while paying for them ourselves. I do not know what particular thing to suggest in regard to the matter, unless the secretary be requested strictly to enforce the by-laws regarding delinquent members.

Mr. LOEB: Some years ago I acted as secretary and treasurer, and when I went into office I discovered that there were a number of members that had been carried over from year to year, and I took rather drastic measures with these defaulting members, and served upon them the notice required by the constitution, and when they did not pay up they were summarily dropped from the rolls. I discovered afterwards that that was the best thing I could have done for the association, because three-fourths of the members that were dropped afterwards came back and paid their back dues, and are in good standing, I believe, to-day, whereas, if I had allowed them to drift on, their arrearages would have been piling up, and eventually they would have become so large that they would not have been paid. I think the best thing the secretary can do for the association, and for the delinquent members, if they do not pay up on time, is to drop them.

On behalf of the committee on place of meeting, Mr. Little reported as follows:

Mr. Ruso is the chairman of the committee on place of meeting, and he recommends Elmira, for its corrective and reformatory influence. He thinks it might have a good effect on some members of our association. Brother Rose is there, and wishes to have us come there, and inasmuch as we have met in almost every other part of the state, we recommend that the next meeting be held at Elmira.

The report was unanimously adopted.

Mr. Little moved that 1,000 copies of the proceedings be printed. Motion carried.

The PRESIDENT: Mr. Ormsby has a suggestion to make in regard to the compensation of the secretary for his work in reporting these proceedings. I would like to have Mr. Ormsby state the suggestion before the meeting.

Mr. ORMSBY: I simply suggested that we, as stenographers, ought to be just to a brother stenographer when we ask him to do a purely business piece of work, like the reporting of this convention, which is outside of the ordinary duties of the secretary, which duties are usually more than sufficient for the occupant of the office, without adding to them the additional labor of making a purely stenographic report of the convention. I think an association of the size of this association could afford to pay a proper price for the work, which would only necessitate a slight additional assessment on each member of the association—probably not over fifty or seventy-five cents apiece. I think we each ought to be willing to join in it.

The PRESIDENT: The chair would suggest that the funds of the association are in a very healthy state at present.

Mr. BRICE: I do not suppose it is understood that the secretary gets the compensation that he would if he were reporting for any other association, but I think he ought to get something. I would move that the secretary be allowed fifty dollars for reporting the convention. If that is not satisfactory, I would acquiesce in any change.

Mr. LITTLE: Mr. President, in some years there has been very little discussion. This year there has been considerable discussion. Mr. Loeb, Mr. Bishop, and others, have been here, and of course it makes it more work to get out the minutes. I second the motion to allow the secretary fifty dollars. [Carried.]

Mr. ORMSBY: Before we adjourn, I have asked Mr. Woodlee, on behalf of our committee, to more fully express thanks to the state association.

Mr. WOODLE: May I have the floor for a moment, Mr. President? My colleagues from New York have insisted that the members would like to hear my mellifluous voice once more, and have requested me, on their behalf, to say that they owe their thanks and gratitude not only to the Troy and Albany members, — which they tendered last night, — but also to the association, for its very hearty reception of them, and its kind attention to the business which they came here to present. They feel that they have gained many friends here in the association, and they hope that when they leave here the members of this association will consider that the New York members are their friends.

In respect of the particular business which has been presented, I hope you will not consider it amiss if I repeat that we came here hoping to get some definite results, and some definite assistance from your body. But we can readily understand that your interests, in some senses, are different from ours. The consideration of this particular question has certainly not been as great on your part as on ours, and it is probably only a natural result that you have not been able to determine, at the present time, to take any definite steps. Our committee do hope that the committee which has been appointed may find some means to render us some assistance in what we seek to gain. I think that is about all I have to say. Personally, also, I tender you my thanks for our very hearty and kind reception.

Mr. ORMSBY: Might I also ask whether it would be possible to furnish the members of our committee who are not members of the state association with copies of the proceedings of this convention?

The PRESIDENT: Most assuredly, sir. We would be delighted to send you copies.

Mr. LITTLE: Mr. President, I move you that the lady members of this association be exempted from assessment.

The PRESIDENT: I do not believe that the ladies who are members of this association would favor any such courtesy. The ladies in business want to stand on their feet, the same as the men. However, I will put the motion.

Mr. LITTLE: I made the motion in all seriousness, and it is for this reason: that the ladies of the association attend, as they are able, the sessions of this society, and I think it would be a very neat act of professional courtesy, extended to them, at which they could not take offense, to simply exempt them from assessments. We have sufficient members to pay our expenses, and it is really not necessary to put them to the expense of paying assessments, and I simply made the motion in good faith, to see what would come of it. I am not strenuous in regard to it.

At the same time, if we should pass the motion it would be a very nice thing. We are honored with their presence, we are favored with their membership, and among them are some very nice ladies. It is a courtesy which I think it would be desirable to extend, if there is nothing in the constitution to prevent it.

The PRESIDENT: I do not think I am altogether fitted for the position of chairman, because I have too positive views at times. However, I will put that motion.

The motion was lost.

Mr. LOEB: I move you, sir — and ask the secretary to send the resolution to the gentleman in writing — that the association vote its thanks to the superintendent of the capitol, Mr. Frederick Easton, for the courtesies extended us in the use of the parlors in which we have met.

The motion was seconded by Mr. Cherry, and carried.

The president appointed the following committee on legislation: William Loeb, Jr., Albany, Chairman; Bartholomew Moynahan, New York; James M. Ruso, Albany.

Upon motion of Mr. Wood, the convention at 6:15 adjourned.

On Friday evening the members tendered an informal reception at the hotel Kenmore to Mr. and Mrs. Irland, who were on their wedding trip. This served as a very charming conclusion to the Albany visit.

Owing to the subject of licensing forming so large a part of the proceedings, the publication of the proceedings has been delayed in order to include subsequent action had, so far as it is possible to present it. In pursuance of the resolution of the convention, a joint meeting of the committees was held in New York city, October 8th, 1898, and the following bill was agreed upon:

AN ACT to secure greater accuracy in shorthand reports of judicial and other proceedings.

SECTION I. Any person who shall take shorthand or stenographic notes within the state of New York of a proceeding or trial before a referee, commissioner, notary public, or other person authorized to hear testimony where the transcript of such notes is to be filed or used in an action or special proceeding in a court of record or in an inferior court of this state, or where such notes are to be filed or used in a public department of this state, or political subdivision thereof, must have received a license as prescribed in section II of this act.

SECTION II. For the purposes of this act the appellate division of each judicial department of the supreme court of the state of

New York shall, within thirty days after the passage of this act, appoint a board of examiners for such judicial department, to consist of three expert shorthand reporters of not less than fifteen years' experience in the practice of the profession of shorthand law reporting, who shall hold office, without compensation, at the pleasure of the appellate division. Said examiners shall pass upon the qualifications of each applicant as a competent shorthand law reporter, under such rules as they may adopt, subject, however, to the provisions herein contained.

The principal test applied by said examiners shall be as to the ability of the applicant to write from a dictation of testimony, not familiar to the applicant, at the rate of 175 words per minute for five consecutive minutes, and to read and transcribe the same. Where an applicant, however, has continuously publicly practiced the profession of shorthand law reporting within the state of New York for five years or more prior to the passage of this act, or is the official stenographer of any court in this state, upon proper proof thereof, duly presented to the examiners, a license shall issue of right without test as to qualifications. Where there is an applicant to be examined, the board shall hold examinations at intervals of not less than three months, but no person shall be entitled to enter such examinations more than once in six months.

SECTION III. Any person desiring to qualify under the provisions of this act to take shorthand notes as specified in section I, shall make written application to and file the same with the board of examiners provided to be appointed hereunder for the judicial district in which the applicant resides or does business at the time of making such application. Such application for examination must state the name, age, and residence of the applicant, and where and how long such applicant has been engaged, if at all, in the practice of the profession of law reporting.

SECTION IV. Each applicant shall pay to the examiners a fee of five dollars (\$5) for each examination. The fees received by the examiners shall be expended by them for the payment of their expenses in the discharge of their duties under this act. The board of examiners in each department shall annually, in the month of January, make a report of its proceedings to the appellate division.

SECTION V. Upon a favorable report by the board of examiners, or a majority of them, in any department, the clerk of the supreme court in such department, with whom such report is filed, upon the payment by said applicant of a fee of five dollars (\$5,) shall issue a license to the applicant, giving him the right and privilege to practice the profession of shorthand law reporting within the state of New York.

SECTION VI. All transcripts of shorthand notes of testimony before a referee, commissioner, notary public or other person duly authorized for such purpose, filed or used in any action or special proceeding in a court of this state, taken by a person who has not received a license under this act, shall be incompetent and void as and for the record in any action or proceeding set forth in section I. To each record, when completed, the licensed shorthand law reporter reporting the same must attach a certificate, stating that it has been taken either by himself personally or by some other duly licensed shorthand law reporter or reporters; and no clerk of a court shall receive for filing nor shall he file in his office any shorthand record such as is described in this act unless such certificate is attached thereto.

SECTION VII. Whenever, except in cities of the first or second class, a referee, commissioner or the counsel appearing before him shall be unable, after due diligence, to secure the services of a licensed stenographer at the time and place required, an unlicensed stenographer may be employed, but the circumstances of such employment shall be stated in such report, so that the action of the referee or the commissioner therein may be approved or disapproved by the court to which, or the judge to whom, the report is made.

SECTION VIII. Any person who shall falsely represent himself or herself to be a licensed shorthand law reporter as provided by this act, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable therefor.

SECTION IX. This act shall not be construed to in any manner amend or repeal the statutes relating to the appointment and duties of official stenographers in the courts of this state.

SECTION X. This act shall take effect ninety days after the passage thereof.

On January 18, 1899, at the meeting of the State Bar Association in Albany, among the questions for discussion was "The bill to be introduced providing for a state board of examiners in stenography and reporting, which, if passed, as proposed, will be of great harm and expense to the legal profession."

The President in his address said:

"Another topic to which your attention has been invited is as to a bill to be introduced in the legislature providing for a state board of examiners in stenography and reporting. This bill is of great interest to the members of the profession. At a convention of the state stenographers this bill was suggested, upon the claim that it will secure greater accuracy in stenographic reports of judicial and other proceedings. We hear of no general complaint as to the accuracy of stenographic reports

of judicial and other proceedings on the part of the members of the bar, and it may well be doubted whether the members of the bar have any reasons to advocate any reform in this direction. The result of the proposed bill will, however, necessarily be a decided restriction in the way of stenographers, and of concentrating the power of stenography in judicial proceedings to an unwarrantable degree.

"The bill provides that three expert shorthand reporters are to be appointed a board of examiners; upon their certificate only applicants are to have the right to practice shorthand law reporting. The proposed bill then provides:

" 'All transcripts of shorthand notes of testimony before a referee, or other person duly authorized for such purpose, filed or used in any action or special proceeding in a court of this state, taken by a person who has not received a commission under this act, shall be incompetent and void as and for a record in any action or proceeding set forth in section 1.'

"It provides, also, that the commissioned shorthand law reporters shall make certificates of records, and false representation by anybody as to being a commissioned shorthand law reporter is declared to be a misdemeanor. The bill further provides that the act shall not interfere with the duties and privileges of official stenographers of courts of record, except that no person, except such official stenographers or duly commissioned reporters, shall be permitted to take the place of an official stenographer.

"It requires no argument to prove to the active practitioner that the enactment of such a law would be greatly to limit the uses of an office stenographer, unless he were an official commissioned law reporter, and inasmuch as the three members of the board of examiners are to have the control as to the licensing or commissioning of official shorthand law reporters, it will be seen that the bill, objectionable as it is upon general principles,—intending to restrict ordinary, fair competition in stenography and law reporting,—would only result in an immeasurable increase in the expense of this already too extravagant element in the practice of the law. It also requires great patience to submit complacently to the large bills of stenographers in law reporting, and excessive charges of stenographers are a deterring element to references; the stenographers' fees often equal, if they do not exceed, the referee's and counsel's fees. Both as interesting reading and germane to the subject, I take the liberty of quoting from an opinion of Justice Hatch, in the second department, in *Halbert v. Gibbs*,* (16 App. Div. 130,) which will evoke approval from many lawyers. * * *

* *Stenographers' Proceedings* of 1897, p. 75.

"There is every reason why such a bill should not become a law."

In the same address, alluding to lawyers' contingent fees, the president said:

"The unseemliness of professional contention to secure retainers is often apparent. It is within the experience of every lawyer who is called upon to defend negligence cases to receive indubitable evidence that questionable, improper and often disgraceful breaches of professional etiquette occur in the competition to secure negligence claims. The public is called upon to witness cartoons in which the lawyer figures discredibly in his anxiety to secure such claims, and the squibs of the country newspaper man are continually being fired into the ranks of the profession on the subject. It is not unusual to find that the client, willing to adjust the claim for a reasonable sum, is often prevented by the rapacity of the lawyer in claiming at least an equal sum for services never performed, and for the vicarious compensation for injuries not personally sustained."

The following discussion and action was had:

Mr. E. T. LOVATT, of New York: At the request of Mr. F. M. Danaher,* of Albany, I read the following resolution:

"*Resolved*, That the president be and he is hereby authorized and empowered to appoint a committee to represent the New York State Bar Association before the legislature in the matter of legislation pertaining to the licensing of stenographers, and that the said committee be and it is hereby directed to oppose the same in the name of the association, in case it is detrimental to the profession or prohibits or regulates the employment of stenographers in references, commissions or proceedings out of court, or the filing of stenographers' minutes or their use when not taken by a licensed stenographer."

Mr. JAMES P. DAVENPORT, of New York: Mr. President, I rise to oppose the resolution that has been read. It was a matter referred to by the president, but it seems to me it was not entirely understood in the form in which it has been presented to the legislature. The bill simply provides for some system of examination and test of stenographers who take testimony before referees or commissioners, or similar bodies. It is well known, in New York city, at least, and to a less extent in other parts of the state, that the proceedings before referees and commissioners are often as important as those before the courts themselves. A referee frequently hears and determines the action referred to him, and his judgment may be entered by the clerk, so he really takes the place of the judge. No judge can appoint a stenographer. No justice of the supreme court may appoint a stenographer unless he is a competent individual, and

* Secretary of State Board of Law Examiners.

unless his competency has been tested by civil service examination. A referee or commissioner is subject to no such limitation. He frequently does appoint an entirely incompetent person; sometimes some boy or girl employed in his own office, and the result is that many of the records that are sent to the courts are in extremely bad shape, and there seems to be no existing remedy for such state of affairs.

My attention was called a day or two ago to a case before the appellate division in the second department, and at the same time to a previous case before the appellate division of the first department. The judge before whom the case was tried could not re-settle the case. The referee of course could not re-settle the case. An attempt was made to have the appellate division pass upon that question, and they said they could not.

There seems to be no proper legal method of correcting the evil, which is a considerable one in the city of New York, that now exists. In one case to which my attention was called, after a competent stenographer had been dismissed and an incompetent stenographer was employed, in 100 pages 175 amendments were proposed, and the papers in reference to the amendments covered a considerable number of pages. Now, the extension of the civil service system is proposed, to the stenographers who perform work exactly similar to the work performed by stenographers of the courts, and it seems to me it is a proper method; and to commit the State Bar Association, in advance of an examination of any particular bill presented, to a certain proposition, or in opposition to a certain proposition, it seems to me is acting with too great rapidity, and without sufficient reflection. The evil of which I spoke is, as I have said, the greatest in the city of New York, where the number of references is largest. The provisions of the bill which I have seen are not extended to districts outside of the larger cities to the same extent. Outside of cities of the first and second class, if no licensed stenographer can be obtained, an unlicensed stenographer may be obtained. The bill is designed, as I understand it, to compel a test only of sufficient competency for a stenographer to perform the duties in order to make the records of the courts of this state clean and correct. There is no design to limit or increase the compensation of stenographers. There is no attempt to cause any expense to the state by the appointment of a state commission that shall be paid by the state. There is no attempt to cause any harm or expense to the members of the bar, as was suggested in the circular sent out by the law reform committee. In fact, I do not see how there can be any harm or expense to the bar. The members of the bar do not pay the expense. There is no design or desire, as I am informed, on the part of those having the matter in charge,

that the expense should in any manner be increased. The only desire is to secure accuracy. If we cannot trust the justices of the supreme court to appoint competent men, but have to guard the appointments of stenographers by civil service, why should you not guard the action of referees in the appointment of persons who fulfill exactly the same duties as stenographers in the court?

Mr. ADELBERT MOOT, Buffalo: As I understand the resolution I think perhaps there may be some misapprehension about it. I understand that the resolution calls for the appointment of a committee for the purpose of looking this bill over and seeing whether there is or not anything in it that requires that it should be opposed. If not, they will not oppose it. If there is, then it will be opposed. We have not the bill before us. If the resolution has any greater scope, it ought not to have. It ought to have just sufficient scope to give an able committee of this association power to attend before the legislature, look at that bill and say whether it is one, so far as the profession is concerned, that ought or ought not to become a law.

In New York city I know the evil of which the gentleman complains is an evil; outside of New York city it is not an evil. The stenographers of New York city as a whole, and I speak from experience in their courts, are not up to the stenographers we have outside of New York city, with very few exceptions, and when you come to the stenographers who do duty as stenographers before referees in that city, I am quite willing to admit a great many of them are utterly incompetent. Outside of New York city we do not know this evil; outside of New York city I know of no lawyers who are willing to consent to the employment of incompetent stenographers to take testimony before a referee. The referee does not think of employing or appointing a stenographer, to take testimony, outside of New York city, except the lawyers agree to that stenographer. We have no trouble whatever from beginning to end on this whole subject outside of New York city. If this proposed bill goes to the extent of limiting the power of lawyers to stipulate that a given stenographer, whom they know from experience to be entirely competent, shall take the testimony before a given referee, then it goes too far, and it should be opposed until it is amended so our practice shall not be interfered with in that respect. If it does not go that far, but simply makes provision for righting the evil they are contending with in New York city, then it is all right, and ought not to be opposed. I do not understand the resolution offered goes far enough to come within the criticism of the gentleman.

Mr. E. T. LOVATT: In support of the resolution, I would suggest to my friend who is opposing it, that in many cases the

stenographer is the best paid man of the group, because he gets paid from three sides, the referee and the lawyers on each side of the case. His bills are so large in some cases that the lawyers do not get their honest fees, which is a great misfortune to our profession. My experience in the country, and I do not want to oppose the New York lawyer, is that things are pure up there where the grass is so beautifully green, and the air is contaminated in New York city, but we do not want to have the medicine applied to New York spread through the state of New York. It is making a class of stenographers of this state and giving them licenses, as this bill suggests, and the power of the bill is more than the speaker has suggested who opposes this resolution, because we are limited to the employment of a stenographer other than a licensed one by reason of the fact there is no licensed stenographer near enough to us to obtain; that if we can send and get one and import him from New York county into some of the counties up here, we must employ the licensed stenographer; otherwise we can take an unlicensed one. I think there is too much legislation in all this kind of business, and I do not want the stenographers of this state to become a close corporation. We are already cruelly in their power, and if they were licensed I do not know what we would do. Unlicensed they do a great deal. I hope that this resolution will pass. It will do no harm if it does not do good. The committee to be appointed by the president is simply to inquire into this bill, and if it is a meritorious one we are for it, because we are for everything that is meritorious. If it is an evil bill, let us down with it. These remarks do not under any circumstances apply to the stenographers of the New York State Bar Association.

Mr. H. E. TREMAIN, New York: May I hope this association will not take any step that will interfere with the independence of counsel? I think the moment we attach to the court a man who is so exclusively under the personal direction of the judge that the counsel are unable to prove the facts that may have occurred in court, that moment a privilege and right is taken away from counsel, and any man who has encountered, as many of us have, a question of fact as to what actually has occurred in court, and a question that the caprice or failure of memory of a judge is to settle, knows how important it is to have his own stenographer there to testify to what occurred exactly. I have been through that experience more than once with judges, upon whose *ipse dixit* in settling the record might depend the liberty or property of the citizen, and it is a moral weapon that insures accuracy of the record of a trial if a judge knows that a counsel is able to prove exactly what he says from

the bench, that may or may not have influenced the jury in their decision. The right of exception is a right the legislature cannot take away from us. At all events we could fight for it, and I hope this association will not vote lightly upon this resolution if it leaves to the committee the right to favor this bill, if they wish to favor it, but that it will lay its hand against any licensing of stenographers that will take away from counsel the right to take his own stenographer and prove what occurs in court. I hope the resolution will be passed.

MR. SEYMOUR D. THOMPSON, New York: Mr. President, I do know something [sic] about stenography. I belong to the craft myself, and have no interest in speaking against the interest of that very deserving class of people. I also know something about this bill. I knew it was coming forward before it was ever drawn. It originated in a stenographers' association in the city of New York; it is a bill to create a stenographers' trust, pure and simple, and nothing else. It is a bill between stenographers to limit the number of persons that may earn their daily bread by taking testimony to be used in judicial proceedings in or out of court. A committee of three stenographers is to be appointed by the supreme court. They are to examine applicants for these licenses. In order to have a license the applicant must be able to write 175 words per minute, and make a good transcript thereof. How many stenographers in the state or in the city of New York can do it? The number, I am prepared to say on my experience and knowledge of the art, is very small. The great majority of good deposition takers will not ordinarily write in a sustained way more than 125 words per minute, and I always understood that the capacity to write 150 words per minute was a good standard. Then if any one undertakes to earn his daily bread by taking a deposition who cannot pass this severe test under this bill, he is to be fined not less than \$100 nor more than \$500, if I remember correctly the provisions of the bill, and the document is to be void, if I also recall correctly the provisions of the bill. Think of rejecting the deposition on which the rights of parties involving life, liberty or property to an untold extent might depend, simply because the stenographer who took it could not write 175 words per minute. Will this committee of stenographers perform this duty in the public interest or in the interest of the stenographers? Can any one have any doubt upon that question who knows how the stenographers charge for their services? The bill contains no provision to guard the rights of the public against imposition by professional stenographers. It contains no penal provision against overcounting or undercounting, whichever you choose to call it. A fair counting is the excep-

tion, an unfair counting is the rule, unless I am grossly misinformed, in the city of New York. The counting is done by estimating each page at three folios or three hundred words. In a deposition taken with short lines the average may be 200 words, but the counting is done by estimating the lines at ten words to the line; yet they average in a deposition six or seven words to the line. The stenographer then gets 60 or 70 words as a folio, meaning 100 words. For this he gets 25 cents for each so-called folio. Is it any wonder the stenographer gets a larger fee than the lawyer? This bill in my opinion is vicious from top to bottom, inside and out, through and through. It ought to be taken by its four corners and torn to pieces. It is simply an attempt to create a laborers' trust. It belongs to the most vicious class of legislation of which I have any knowledge. If this goes through the stone masons will want a similar trust; no one to be able to work at any art unless he is examined and licensed, and it will go on until hod carriers and street laborers will want similar legislation in their behalf.

Mr. WALDO G. MORSE, New York: As a matter of information, I desire to state that the horse-shoers already have such a trust in active operation.

Mr. JAMES P. DAVENPORT: Mr. Chairman, as there seems to be some misunderstanding about the terms of the resolution — the gentleman said it did not contain any direction to oppose any particular bill, but simply to examine the bill — I would like to have it read.

(The secretary read the resolution.)

Mr. JAMES P. DAVENPORT: I move to strike out all after the words, "detrimental to the profession."

Mr. E. T. LOVATT: I will accept that.

Mr. C. E. PATTERSON, of Albany: I move as an amendment to the amendment to strike out all after the word "association," so as to leave it to oppose the bill in the name of the association.

Mr. E. T. LOVATT: I will accept that.

The PRESIDENT: The resolution, with the amendments which have been accepted by the mover, is now before the house.

Mr. ADELBERT MOOT: I hope we will not go quite as far as that. If these men simply wish stenographers to examine the men who are to take testimony in court as to their efficiency, and the bill was restricted substantially to that, I think there is need for such a committee, and I think there is need for such an examination. I hope that the resolution will be so amended and left in such form that a good committee from this body, charged with the duty of having the power and discretion to

act in the premises, may look that bill over, allow it to become a law if it is in the right form, and oppose it steadily if it is wrong.

Mr. WILLIAM BARNES, New York: I would suggest whether the lawyers employed in a case and the judge who presides are not more competent to decide upon the qualifications of a stenographer than three of the guild itself.

The PRESIDENT: As the Chair understands the resolution in the form in which it now stands before us, it is to the effect that this committee be authorized to oppose the proposed bill.

Mr. JOHN BROOKS LEAVITT, New York: Not to oppose a particular bill, but they oppose any system of licensing. A proper system of licensing may be presented. This particular bill may be faulty. Are we not going too far?

Mr. JAMES P. DAVENPORT: I rise to a point of order. I would suggest that the mere statement by the mover of the resolution that he accepts another amendment does not, without unanimous consent, put that question before the house. I would suggest there was no unanimous consent given in either case. The matter ought to be presented in such form that the different opposing views could be properly voted on. I suggest the resolution is before the house, and two amendments offered to it.

The PRESIDENT: The amendments having been accepted, the Chair will rule the resolution is now before the house as amended.

Mr. JAMES P. DAVENPORT: I move to amend the resolution by adding the words, "if it be found detrimental to the profession."

Mr. H. J. COOKINHAM, of Utica: I hope the amendment will not be adopted. I am very heartily in favor of the resolution as stated by the Chair previous to this proposed amendment. We all know perfectly that the first step in this direction is to get a law of some kind. They do not care so very much what this first bill is, because next winter they will come with an amendment, and if there is a law requiring stenographers to be licensed, you may rest assured that next year they will present an amendment to that act that will go a little further in the direction which they wish. They then will have a fundamental law provided for the licensing of stenographers upon the statute book. Then they will ask to advance it a little more. It will be very hard to beat them. Upon that they will obtain an amendment; the following winter they will come with another amendment, and so on, and it will not be five years before they will have precisely what they want and precisely what they present to this legislature.

One of the shrewdest legislators that ever sat in our legislature was Speaker Husted; I believe him to have been the shrewdest legislator. His rule was: Get what you can this year, and next year get the rest. We know that they are not going to be satisfied with a law which does not satisfy them, and if we allow this act to go through without our protest, our mouths will be substantially stopped next year. I am in favor of meeting it here and now, and providing so far as we can that there shall be no legislation by this state providing for the licensing of stenographers. I do not believe it is any more necessary to license a stenographer than it is a typewriter, and if the typewriters in this state combined they would have ten times the strength of the stenographers, because there are ten times as many. A very large amount of testimony is taken upon typewriter in the United States court; in that court it is almost always taken by typewriter and not by a stenographer, because it is laid before the counsel at once. About two-thirds of my practice is in the United States court, and it is invariably the rule that we take the evidence upon the typewriter and hand each page to respective counsel and lay one upon the table for the court. There is no more sense in licensing a stenographer than there is in licensing a typewriter, and I am opposed to it, and I hope the resolution will pass precisely, with the two amendments stricken out.

The PRESIDENT: The question before the house is upon the amendment of the gentleman from New York.

Mr. E. T. LOVATT: I understood he asked what was meant by those words in the first resolution. That would give a broad license to the committee, and the committee might think it was right when the body of the association might think it was wrong.

Mr. ADELBERT MOOT: Mr. Chairman, I hope that amendment will not prevail, because I hope we will not take the position here of simply looking narrowly after the interest of our profession. Let us take a broader view of it. Let us drop those words, and take a stand on this question squarely on its merits.

The amendment of Mr. Davenport was lost.

The PRESIDENT: The question recurs on the resolution, which the secretary will please read.

The Secretary read the resolution, as follows:

"Resolved, That the president be and he is hereby authorized and empowered to appoint a committee to represent the New York State Bar Association before the legislature in the matter of legislation pertaining to the licensing of stenographers, and that the said committee be and it is hereby directed to oppose the same in the name of the association."

Mr. NICHOLS, of New York: I would like to inquire if this association is to have another meeting before final adjournment. I make that inquiry in this connection because it seems to me a little in violation of principle to give specific instructions to oppose a bill the contents of which is not familiar to members of the association, and if it is to meet again this afternoon, as to which I am not informed, it seems to me it would be better to have a transcript of the bill and submit it to the association rather than oppose a particular bill. There are objections to it in this way: Reaction might come. If the bill should happen to be of such a nature that it was not worthy of being seriously objected to, the record of the association might be brought against us when there is a bill which we should oppose. I am heartily in favor of the resolution.

Mr. ADELBERT MOOT: I am also in favor of the spirit of this resolution, but I do not like this broad discretion given to a committee. I think Judge Thompson has made a suggestion which is as sensible as anything I have heard; instead of stenographers being licensed by stenographers they be examined and licensed by lawyers to be appointed by the courts, and I think that is the solution of the whole thing, and if we appoint a committee of the right sort, with power and discretion, and let them stand by that principle, I think we will have no trouble.

The question was then put on the adoption of the resolution, and it was carried.*

The following committee was appointed: E. T. Lovatt, of New York; A. L. Andrews, of Albany, and E. W. Douglas, of Troy.

On February 1 a hearing was had before the Assembly committee on general laws, at which the stenographers presented their arguments, no one appearing in opposition. On February 15 a hearing was had before the Senate judiciary committee.

* The vote was by about twenty-five members present, *representing* an association whose membership is 1,200 out of the 15,000 lawyers of the state.—*Pub. Com.*

THE EVENING IN THE SUBURBS.

On Thursday, August 25, 1898, at 4:45 P. M., pursuant to the subpoena referred to in the foregoing report of proceedings, the visiting members and guests of the association, headed by President McLoughlin, presented themselves at the north portico of the capitol, where they were taken possession of by the Albany committee, and seated in a special "trolley" bound for Troy. After three successive trolley rides, through eighteen miles of varied scenery, some of it exceedingly beautiful (and rendered the more so by a passing storm,) they found themselves on the summit of Mount Averill (a thousand feet above the Hudson,) Rensselaer county, where they were taken to the hospitable shelter of the Averill Park Hotel.

After a pleasant hour of social intercourse, amid picturesque surroundings, they were ushered into the banquet hall, and partook of a repast so sumptuous, generous and complete as to leave nothing to be desired. Each guest found by his plate a mammoth comically illustrated poster, about a yard in length, entitled "The Night Lunch," and reading as follows:

"THE NIGHT LUNCH."

"Eat, drink and be merry."

THE LINE OF MARCH.

Clams
Soup
Olives
Celery
Rolls
Fish
Potatoes

Turkey
Chick. Patties
Potatoes

Beef
Chicken
Potatoes

C. Croquettes
Bread

Blanc Mange
Ice Cream
Cake

Fruit
Cheese
Crackers

Nuts
Coffee

Cigars

A. Water

Irregular
Roasts

"Don't be a clam."—*McLoughlin*.

"I will make a prief of it in my note-book."—*Shaks*.

"Therefore I'll watch him till he be dieted to my request,
And then I'll set upon him."—*Shaks*.

"Either at flesh or fish,
A table full of welcome makes scarce one dainty dish."—*Shaks*.

"EXHIBIT A."

"Your guests approach; address yourself to entertain them
sprightly,

And let's be red with mirth."—*Shaks*.

"We have a course of roast a coming, and after that some
small dessert."—*Bailey*.

"EXHIBIT B."

"You must be seeing christenings! Do you look for ale
and cakes here, you rude rascals?"—*Shaks*.

"It is not the quantity of the meat, but the cheerfulness of
the guests, which makes the feast."—*Clarendon*.

SOLAR PLEXUS PUNCH.

"The waiter roars it through the hall:
We don't give bread with one fish-ball."—*Moynahan*.

"EXHIBIT C."

"Give me a chive of your bread, my love, a bottle of your
wine."—*Child*.

—"must be slowly nursed, and fed by spoonfuls."—*Byron*.

"Our cake's dough on both sides."—*Shaks*.

"EXHIBIT D."

"As is the wit it gives, the gay champagne"—*Thompson*.

"One fruitful meal would set me to 't."—*Shaks*.

"Let it serve for table talk."—*Shaks*.

"Coffee, which makes the politician wise,
And see through all things with his half shut eyes."—*Pope*.

"Pernicious weed! whose scent the fair annoys,
Unfriendly to society's chief joys;
Thy worst effect is banishing for hours
The sex whose presence civilizes ours."—*Cowper*.

"Before we proceed any further, hear us speak."—*Shaks*.

Senor JOHN G. BAKER, { Team
Mons J A. FITZGERALD, }

11:15 p. m.,—"At once good night;
Stand not upon the order of your going,
But go at once."—*Shaks*.

After these had provoked merriment for some minutes, one of the Albany conspirators appeared on the scene and declared that there had been a mistake—the posters were intended for a hose company—the menu cards for the occasion had just arrived, and would now be distributed. A very handsome menu card was then presented to each guest, reading:

"Thou shalt not die for lack of a dinner."—*Shaks.*

... Menu ...

"A good digestion to you all:

A welcome on you; welcome all."—*Shaks.*

Little Neck Clams on Half Shell.

"We go to use our hands and not our tongues."—*Shaks.*

Bouillon en tasse.

"A chiel's amang ye takin' notes."—*Burns.*

Queen Olives.

Finger Rolls.

Celery.

"The short (hand) and the long (hand) of it."—*Shaks.*

SHERRY

"We'll drink the lad's health."—*Sheridan.*

Boiled Salmon, Cream Sauce.

Parcelin Potatoes.

"There's gold for you; sell me your good report."—*Shaks.*

Roast Turkey, with Jelly.

"When in doubt leave it out."—*Anon.*

"Reform it altogether."—*Shaks.*

Chicken Patties.

"Though forced to drudge for the dregs of men,
And scrawl strange words with the barbarous pen."—*Bryant.*

Creamed Potatoes.

"The mob of gentlemen who write with ease."—*Pope.*

"Be large in mirth; anon we'll drink a measure
The table round."—*Shaks.*

SAUTERNE

"Who knows how he may report the words."—*Milton.*

Prime Ribs of Beef.

"Good words are better than bad strokes."—*Shaks.*

Baked Spring Chicken.

"Some scratchy strokes, abrupt and few,
So easily and swift, I drew."—*Hood.*

New Potatoes.

"Bring me no more reports."—*Shaks.*

ROMAN PUNCH.

"Thus looked I proudly on the vulgar crew,
Whom statutes govern and fears subdue."—*Crabbe.*

Chicken Croquettes, with Peas.

"The pen of a ready writer, whereunto shall it be likened."—*Tupper.*

Cream Bread.

"Write the characters in dust."—*Scott.*

"You go not till I set you up a glass."—*Shaks.*

CLARET

Velvet Blanc Mange.

"Report me and my cause."—*Shaks.*

Vanilla and Chocolate Ice Cream.

"He may have took his answer."—*Shaks.*

Assorted Cake.

"From slow deciphered hieroglyphics."—*Taylor.*

CHAMPAGNE

"Drink to the general joy of the whole table."—*Shaks.*

Fruit.

"If thy stumps will let thee play the scribe."—*Shaks.*

Edam Cheese.

Biscuit Crackers.

Nuts and Raisins.

"You shall stile in your own report."—*Shaks.*

Café Noir.

"Leave the world no copy."—*Shaks.*

Appollinaris.

"Formed in some mystic character."—*Jousson.*

Cigars.

"Some of you shall smoke for it in"—*Averill Park.—Shaks.*

"To all, to each, a fair good-night,
And pleasant dreams, and slumbers light."—*Scott.*

After the elaborate and bountiful fare had received the attention it so well deserved, Mr. JAMES M. RUSSO, the presiding genius, rapped for order, and said:

Ladies and Gentlemen: We have reached a point where the misery of my friends reaches an acute form. That is to say, those who have come with extemporaneous speeches prepared may not be called upon to-night, while I am frank to say that those who have come without speeches are pretty sure to be called for.

I admired, to-day, the *sang froid* with which our president ignored all motions that our brother Cook made, and all appeals that he made for fairness, and simply decided that he was to act as secretary. Now, the position of toastmaster is not an enviable one, and yet it has some compensation, because it is the unwritten law that he is the roaster, and of course it is not expected that he will be roasted. I regret that our worthy president has been stricken with an infectious disease to-night, which has necessarily quarantined him. It is what is known as

graphophobia. But I have kept my eye upon him, and I will now ask him to address us. (Applause.)

Mr. McLoughlin said:

Ladies and Gentlemen: I don't know just what I am expected to say. I didn't know that I would be again called upon to inflict a speech upon this long-suffering gathering. If there is anything that delights a stenographer's heart, except when he is being paid extra rates per folio, it is to be a speaker. I may furnish you with some delight, and as brevity is said to be the soul of wit, you may imagine that I am funny.

I can best express my sentiments by thanking the gentlemen of the Albany delegation for the many basins of boiled oysters and numerous beverages with which they have so frequently overpowered us. I was jumped upon by the astute and learned Rodgers, together with his fellow-conspirators, Messrs. Ruso, Kelly, Thomas, Loeb, Brice *et al.*, for announcing that there was to be a banquet at this convention. What do you call this? Accustomed as Mr. Haynes and myself are to dining at Jim Fisk's, Hitchcock's and Dennett's, I think this is very much like "the real thing." Why, we have not been permitted to spend one cent of the good accumulated wealth of the year. We were not even allowed to open the cans of vermilion with which we expected to paint the town a roseate hue.

For the cordiality, the enthusiasm and the heat of our reception I desire to extend the heartfelt thanks of all of the visitors to the gentlemen from Albany. We shall ever remember with pleasure our visit to the capital city. I want particularly to thank Mr. Rodgers, for he, I am sure, has been the leading spirit in this grand reception. I cannot say anything more, but might later on sing you a song. (Applause, cheers and cries of "Bravo!")

The CHAIRMAN: I may say, for the information of our good friends who have not been to the city recently, that our New York brethren all dine at Dennett's. That is a place where you go in and eat whatever you want, and then you go up to the cashier and tell her what you have had. I noticed that nearly every friend I met went in there.

Impresario Loeb has been scouring the European fields lately for talent, and has succeeded in getting a couple of gentlemen; one is from Italy, and the other is from France, as you will notice by their names — Fitzgerald and Baker. They will later appear at Koster & Bial's, but this evening will favor us particularly.

Messrs. Fitzgerald and Baker then sang "The Battle of Manila," and as an encore, a song in honor of Lieutenant Hobson. They were warmly applauded.

The CHAIRMAN: We will now hear from Mr. Joseph M. Lawson, of Albany. (Applause.)

Hon. JOSEPH ALBERT LAWSON responded:

Mr. Toastmaster, and Members of the Association: I am indebted to my friend, Mr. Rodgers, of the well-known triumvirate of Rodgers, Ruso & Kelly, for the invitation which brings me here this evening. In extending the invitation, Mr. Rodgers impressed upon me the fact that I was not bidden to the feast as a lawyer, but as a *gentleman*. Under those circumstances, you can imagine how lonely I feel as I look about me. I was suspicious of Rodgers, because I have a case pending for him, and this is evidently an effort to get even. He invites me to a dinner and fills me up with good cigars, and when I get through with that case, and make out a bill, I have got to cut it right in two. I cannot do justice to myself and do justice to the dinner. I come as a guest of the association; but Rodgers said he had something up his sleeve. He said he wanted to do his proudest for the out-of-town members of this association; that he wanted to give them all that money could buy,—everything in the way of natural scenery, etc., and he wanted to cap it by having a speech from a lawyer, as something rare and novel in their experience. I told him I would come, and I don't regret it. I have been as much surprised, I think, as the president of the association, by what has been done by the members here to-night. I cannot sing a song for your delectation, nor am I up to the duo that has just been executed by the gentlemen in the other room.

It puts me in an embarrassing position to be invited to speak in a congregation of stenographers. There is a natural feeling between the bar and the sister profession. It used to be a sister profession, but now it has come to be a mother, or father profession, or, you might say, a grandfather profession. The stenographic profession has swallowed up the bar. We sort of trail along. You get into a reference, and you have a stenographer, and that is the end of the lawyer. He is in it as an adjunct to the reference. It is the referee and the stenographer. After the stenographer gets through there isn't much of the lawyer or the referee. It is all the stenographer!

The stenographic profession is a noble one; there is no question about it. As far as I am personally concerned, I am satisfied that the recording angel is a stenographer. You have no idea what that man has got to do. If he is not a stenographer he will never get through with it.

The stenographer is assuming a very dignified position in the world of letters. The Bible says we are to be held accountable for every idle word, and how are we going to be if there are not enough stenographers to take them down? And Guggenheimer

is getting in his work, too. You have got to talk sound common sense after this, or else you will be food for Guggenheimer and the stenographers. Why, I once made a speech like this, and he had to take it down (indicating the Chairman), and I said to myself, "Either Ruso had delirium tremens, or I did." He misinterpreted the speech. I never made it! And that speech was not set up by a Mergenthaler machine, but was set up by hand, and I imagine the man who set it up must have had them, too.

I recollect, when I began to study law, how difficult it was for the lawyers who began in the early days to get used to the stenographer. The old-fashioned longhand writer, with his quill pen and ink, would labor day in and day out to take down what you gentlemen take in fifteen or twenty minutes. It seems to me like yesterday when I was studying with an old-fashioned firm who did not at that time avail themselves of the services of a stenographer, and my apprenticeship was served by acting as clerk to take testimony, besides other duties, and day after day I sat writing down testimony in longhand, and I didn't realize how soon my day of deliverance would come. So that stenography as an adjunct to the work of the lawyer is comparatively new. I cannot feel very much of a snow-storm on the top of my head. Within a few years the labors of the old-style clerk in the law office have been superseded by the dextrous and efficient work of the modern stenographer.

And let me pay a passing tribute to the value, worth and efficiency of the woman in the law office. The advent of the woman in the law office has carried with it a refining influence that is unquestionable, and cannot be over-estimated, not only in taking minutes in references, and in the ordinary course of office work, but in all branches of legal labor. The mere fact that a man has in his employ a bright, clever, intelligent woman, who is at his elbow whenever he needs her, and that he can keep her there and utilize her services through the day, gives the office a tone that, in the old days, it did not have. And when a man can do that, as I have done it for six years, and not have the slightest friction, and can go home every night and be met by the same smiling countenance, and have everything go on just as smoothly as if he were a bachelor —

Mr. HAYNES: If you are not a bachelor, you are pretty artful.

Mr. LAWSON: Well, I may be the original "artful dodger," but I can say that when that element was introduced into the law office it was a matter of congratulation, and should be a matter of congratulation to every practitioner, because it has had its influence with the profession.

An occasion of this sort is one long to be remembered.

Averill Park is to me almost an unknown country. I am one of the cottagers that you see in *Puck*. I run for my train at night, with baby carriages, and parcels under my arm, and it has been left for Rodgers, Ruso & Kelly to discover this place for me. But I will say that a more enterprising trio than those gentlemen I have yet to meet.

I do not propose to detain you any longer. Like Chauncey M. Depew and the historic small dog, I have spoken for my supper a great many times, and it won't be long before I shall be a victim of chronic gout. Before that time arrives I hope to have retired gracefully from the ring.

I want you to appreciate the sentiments I feel toward you for allowing a lawyer to come as I have, disguised as a gentleman, in the company of such illustrious confrères as I have here, to pay the slight tribute that I have been able to tender to your profession. (Applause and cries of "Bravo!")

The CHAIRMAN: While Mr. Lawson is a *rara avis*, he comes here disguised as a gentleman. He is honest. He is the first lawyer I have met who really recognized his position, and admitted that the stenographer is everything. I am glad to see he has the candor to acknowledge it.

There is nothing like honest criticism, and we all like to be criticised when it is done fairly and honestly. And while around the table, I don't know of anybody who can more fairly and honestly criticise us than brother Butcher, of Ontario. (Applause.)

Mr. NELSON R. BUTCHER: Mr. Chairman, and members of the New York State Stenographers' Association, I promised myself the pleasure of coming here to-night without being called upon to make a speech; and some gentleman here — an Englishman, your president — had promised me that he would help me arrange it that I would not have to make a speech to-night. But I see so many anxious faces here with speeches prepared, that I will take pleasure in not detaining you, but do as I did this afternoon — get my brother from Ottawa to say a few words, in my place. Before doing so, I will thank those gentlemen who have given us such a grand spread to-night. If you come to Canada, we will try and make you enjoy yourselves, as we have here to-night. (Applause.)

The CHAIRMAN: We will follow brother Butcher's advice, and call on Mr. Horton, of Ottawa. (Applause.)

Mr. ALBERT J. HORTON: Mr. Chairman, I think brother Butcher has taken unfair advantage of me to-night, after the way in which I exhausted my sentiments this afternoon. Besides, the hospitality of you gentlemen of Albany and Troy has been so paralyzing — I won't say to myself; I mean, to my

powers of speech—that I feel quite unequal to the occasion. I can only say how very much I have learned to appreciate, in the brief time that I have been here, that great hospitality that has always distinguished the American people, and which, until to-night, I always imagined was only excelled by that of the Canadian people.

I have been harboring a wish this afternoon, that this association would at some time or other hold its meeting at that Mecca of American conventions, the city from which I hail. But after this thing to-night (which the word “banquet” would be too small and paltry a term to apply to), I really hesitate to extend the invitation. However, I will say that if you gentlemen will next year visit Niagara Falls, or if you adopt an amendment to that, and choose the better part—come over and see us at the city of Toronto—we will try and give you a piece of bread and butter and a cup of tea, and treat you as well as we can. I thank you, Mr. Chairman and gentlemen, for this opportunity. (Applause.)

The CHAIRMAN: I understand that Señors Baker and Fitzgerald have something else up their sleeve, with which they can favor us. (Applause.)

Messrs. Baker and Fitzgerald stirred the company to enthusiasm by further selections.

The CHAIRMAN: Brother Bishop has been trying to mix some Boston ideas with New York ideas. Will he kindly give us some of the results?

Mr. GEO. R. BISHOP: *Mr. Toastmaster, Ladies and Gentlemen:* Without previous warning I was called on, this forenoon, to respond for the association to the address of welcome with which we were honored, and now—again without warning, but with some apprehension as to what were the possibilities—I am “called up” for further sacrifice. With whatever fears, from the vantage-ground of the morning’s experience, I may have peered into this evening’s future, I call you to witness that I did not stay away; the possibility of terrors far greater would have been ineffectual to deter me from becoming one of this festive company. I feel that the responsibility of the summons rests on shoulders other than mine; that it is extremely doubtful if I say anything that will interest you; that it is wholly impossible that I shall say aught that can match the wit and wisdom of my friend Lawson, brilliant and jovial representative of the Albany bar—a bar so well known to our friends Rodgers and associates that they knew just where to place a finger to draw forth the electric spark that should illuminate our whole intellectual firmament; that if I shall chance to say anything that is

acceptable, it will be by as "tight a squeeze" as that by which an old Dutch miller, of whom I once read, obtained the reward of the just. Perhaps you remember the story. He was said to be subject to hallucinations, one of which was imagining that he was the great Awarder of Final Judgment, whose duty it was to pass sentence on the millers generally of his neighborhood, including himself; on which occasions he would seat himself on a flour barrel, and exploit the questions leading up to the judgment of condemnation or felicity, somewhat in this fashion — delivering both questions and answers himself:

"Mr. von Benschoten, you owns a mill?"

"I doos."

"Now, Mr. von Benschoten, vas you ever daken too much toll?"

"Vell, sometimes ven der vasser vas low und mine millstones vas dull, may pe I vas daken a leedle too much toll."

"Vell, you may go to my left hand, mit ter goats."

Then he would question another:

"Mr. von Rensselaer, you owns a mill in Rensselaerwyck?"

"I doos."

"Vas *you* ever daken too much toll?"

"Vell, sometimes ven der vasser vas low und mine stones vas dull, may pe I vas daken a *leedle* too much."

"Vell, den, you must go to mine left hand, mit ter goats."

Then he would question himself:

"Mr. Schneider, you owns a mill?"

"Yah."

"Vas *you* ever daken too much toll?"

"Vell, sometimes ven der vasser vas low und mine millstones vas dull, may pe I vas daken a leedle doo much."

[A painful pause.]

"Mr. Schneider, vat dit you do mit ter money?"

"I gif it to der poor."

[Another pause.]

"Vell, you may go to my right hand, mit ter sheep; *but it vas a tam tight skveese.*"

Possibly I shall succeed no better than I did in my effort to attain distinction as a poet. Those fine lines of Shelley's on the Skylark had impressed me, while those of others of the world's great singers had invited competition. I thought the Butterfly a good subject for the attempt, especially as I knew him well, both when he was on the wing, and at rest. I began — and without great effort — with the lines,

The butterfly
Doth flutter by.

The lines rhymed beyond question, and I thought there was a certain ring in the syllables — but-ter-fly, flut-ter-by — that

must prove irresistible, and show that the poetic fire burned within me. The lines were simple — which was in their favor, because my poem was to be on the lyric order; they were so simple a child might comprehend them. It seemed, on the whole, that here was my opportunity. But I could not proceed; something blocked my mental wheels. I pondered it over, and at last concluded I had dismissed my butterfly too summarily. Observing him and admiring him, I had not detained him for analysis, but had let him "flutter by." He had fluttered too far — completely out of reach. Had I caught him and held him before me; had I let the sunlight play on and illumine the rich yellow and purple of his wings; had I let their soft hues become warmed in the glow, and the sheen that was theirs overspread them, and then described them, my fame as a minor poet might have been secure. But I did not: and my opportunity was gone. So I said, "Butterfly, you may go; I dismiss you into the Unknown, into which you have already disappeared; you have hoaxed me, and our relations are at an end." So, similarly, if anything lucent or effulgent has hovered, in early evening, about the partly drawn curtains of my brain, possibly seeking lodgment there, I am certain it has departed, while I have been beguiled into comfortable admiration in listening to what others have said. If Wisdom came and sought refuge with me, it has now vanished, "into the infinite azure of the past."

Surprising it will be if I succeed in reaching any point of that high altitude of sentiment unto which I am persuaded you all have attained, under the touch of the Ithuriel spear that has been flashed before your eyes during the last twenty minutes. We have all been sitting, apparently riveted to this spot; yet I think we are all conscious of having moved forward. One may doubtless be lifted, momentarily, somewhat above his normal altitude, by the association of the time; or even that of the place whence he has come may accomplish this. Personally, I wish this might be the case. Twice before have I come to the meetings of this association from the Berkshire country, and a year ago I went from Richfield Springs to that held at Rochester. The days spent at either point of departure had been an inspiration; and coming hither again from Western Massachusetts, I feel a sense of refreshment such as I felt before; so that I hail the occasion of another annual meeting of this body with high satisfaction. I know of no more charming country than the valley of the upper Housatonic, which I left this morning — a valley with emerald meadows, the setting of wooded hills and mountains on either hand, and the flash or gleam of the river, in quiet reaches, or hurried dashings down pebbly or

rocky slopes. In August one cannot—to repeat the phrase of Curtis in his noble oration at the unveiling of the soldiers' monument at Pittsfield—one cannot see the bobolink “tumbling in melodious ecstasy” in that beautiful valley; for ere these later August days he becomes too plump and lazy for ecstatic singing—the reed bird of the south; and this blithe ornament of the June meadows, whose gambols and whose singing delighted me when as a boy I fished in the Wappinger over in Eastern New York, is now seen too seldom in the lush lowlands of Western New England. But for the inhabitant of the great city there are other sounds, and countless other sights, to fill him with enthusiasm; so, I come with a sense of fatigue removed, of lassitude dissipated, the convolutions of my brain deepened, I hope, for a readier apprehension of the good things that shall be uttered here. I shall search for no incongruities, and those I have left behind shall not disturb me. I have discovered but few, in the country from which I have just come—Dalton, in the Berkshires, where for more than three weeks I have watched the showers come almost daily, and awaited their passing; the only incongruity that has impressed me has been one that could readily be matched in our own state of New York. You all know that this town, up on the upper Housatonic, in a very elevated valley, is the site of the mills in which the best writing and bond papers our country can boast are made, and that the Messrs. Crane own and operate those mills. The incongruity is this: that while this family in all its branches seems to be a reserved and pious one, still, they seem to have been *damming the Housatonic all their days*; or if not themselves guilty of this, their ancestors were, and they are themselves accessories after the fact, if not direct participants, for they constantly, and profitably, take advantage of that proceeding; and there is a peculiarity about it not characteristic of the common article, for those “dams” are not merely audible, but visible. I submit, however, that these great paper manufacturers shall not be deemed to be beyond the efficacy of saving grace, for if they were, what could be said of some of our friends here—men of pious professions and usually of exemplary walk and speech, who, under the stress of great provocation—such as contemplating the ferocious and devastating work of an incompetent amanuensis—have sometimes succumbed, and used cursory language not eminently fitted for Sunday school literature. But in Dalton—and I linger over the thought of it because I like it so well—the air is, notwithstanding, serene; the region seems to be one across which no moral cyclones blow—though physical ones are not uncommon in summer; a sense of security and a calm peace seem to per-

vade the atmosphere; while *here*, though the brows of even the best fortified may sometimes be contracted and ruffled as our friends pursue their daily tasks in the valley of the Genesee, or the Chemung, or the Susquehanna, or the Hudson, a great peace also prevails, and every one's brain and heart are attuned to gentlest harmony.

Personally, I am delighted that we meet, in 1898, in Albany — especially if by latitude of construction Albany may be deemed to take in Averill Park. When on previous occasions our association has accepted the hospitalities of our friends of the third judicial district, it has been my serious misfortune to be forced to be absent. Now, however, in the promise of rich things to be uttered, I feel that I am to be compensated for my earlier sacrifices, save that there were friends present then who are absent to-day. I know that some of those coming to this meeting from various counties and districts entertain high anticipations of what our present session is to be and to accomplish, basing their expectations of enjoyment, I feel confident, on the fact that our friend Rodgers, whom we used to look upon as merely a Trojan, but who has now come to such appreciation that he is both a Trojan and an Albanian, was, with his associates, to be responsible for the social success of the occasion; and under such auspices it was not conceivable that we could go amiss. On former occasions I have been wont to imagine Mr. Rodgers as, to use a figure from Homer, perched high on the battlements of windy Troy, keeping watch and ward over the eastern end of the Erie canal, while Thornton, the Buffalonian, did a similar duty as to the western; but I never suspected that any Trojan, or any conclave of Trojans and Albanians, would conspire with the elements and bring us to an elevation so far above the highest tower of Troy, and "blow us all in" with a banquet of the dimensions of this one. Obviously, for the purposes of this occasion, we are to treat Albany, Troy and Averill Park as one. As for the capital, we ought, assuredly, to meet occasionally in the city in which was had the pioneer legislation that created the official court stenographer. All present know, of course, that this state led the procession, now including all or nearly all the states and territories of this union, in adopting such legislation; and we all know that our friend Underhill, lately deceased, and to whose life and services I conclude more specific reference will be made before our proceedings shall close, was responsible for that first provision.

That is one reason why I am glad we have come to Albany to hold this meeting; but there are historical reasons also why at least New Yorkers should be gratified to visit the city. It is one of the most ancient of American cities, rivaling Manhattan

in antiquity; and for some of us this counts for much. We have now dismissed, as pleasant fictions, many of the impressions of our boyhood derived from reading the genial Knickerbocker, concerning Fort Orange and Rensselaerwyck, and the uncouth ways of the primitive white settlers of the present state capital. We have long since discarded the statement that it was one of the customs at the Fort and its settlement to have a large lump of sugar suspended over the table by a string, in order that whoever desired sugar at meal time could swing the lump over to his place and take a bite; and we have equally discarded the tale of the enigmatic salutation and reply made by the representatives of the Fort, or the "wyck," to those who came up from Manhattan to enter a protest; which consisted, as you will remember, in placing the thumb of the right hand against the nose, spreading the fingers, placing the thumb of the left hand against the extended little finger of the right, spreading also the fingers of the left hand, and wiggling those of both hands, in the faces of the ambassadors from down the river — no other reply being given. We enjoy these flights of fancy of that illustrious pioneer in American literature whose life-work as a man of letters was fitly crowned with the production of a biography of the immortal Washington which no later genius in letters, however skilful, can hope to rival. We now appreciate what a hardy, enterprising settlement that of Fort Orange was. No one can read its history, even in mere general outline, without being impressed with the story of the sacrifices, the hardihood, the bravery, of the first settlers; or with that unremitting aggressiveness that enabled them to overcome all adverse conditions, and to shortly achieve a commanding position in the development of the colony. There is a spiciness, a breeziness, about the annals of the colony, that afford conclusive proof that the early Dutch settlers of the valley of the upper Hudson were alert of mind, courageous, enterprising — worthy representatives and contemporaries of the seamen who, under van Tromp, "swept the Channel," as the broom fastened at the masthead of his flagship implied he was determined to do. We appreciate, of course, that so lively a colony as this could not escape bickerings and local contentions; such troubles did arise, and one "Dominie" seems to have figured as prominently in them as any one in Beaverwyck. Dominie Delius, however sacred his calling, was charged with having taken advantage of opportunities afforded by his appointment as commissioner to the Six Nations; further, that extravagant grants of land were obtained, on inadequate consideration — in one case a tract about seventy miles long by twelve wide, subject only to a yearly rent of one raccoon skin; and in another, a tract fifty miles long and

extending two miles on either side of the Mohawk, subject to an annual rental of only one beaver skin for the first five years and five yearly forever thereafter; while it was alleged by the Indians themselves that some of the preachers sent among them, instead of preaching the holy gospel, had taught them to drink to excess, to cheat, and to quarrel among themselves. The colonists no doubt appreciated the "church militant," but they deprecated, and criticised, that sort of militancy, and sought to suppress it.

The early settlers were evidently imaginative people, and the untrustworthiness of some of their dominies may have injuriously reacted on the veracity of some of the laity. Was it that, or imagination, or fact, that was at the foundation of the report that in 1646 a whale came up the river, almost to the Fort? Was it a whale, or the first sea serpent recorded in American annals, or a huge specimen of the sturgeon, sometimes known as "Albany beef;" or was it a creature of the imagination? It is gravely chronicled in the generally veracious annals of what is now the capital city, and I desire to raise no unreasonable skepticism about it in the mind of any.

But in the light of these old revelations, and of some new ones that have recently come to my knowledge, the query has been suggested to my mind, whether the exploits of imagination and the example of the old dominies who were thus broadly charged with cupidity and worldliness, may not have somewhat infected the modern ones; or, has the public spirit of the present generation in Albany swept some prominent citizens from their moorings, and inflamed their imaginations to abnormal activity? I have read, for example, in a recent publication descriptive of the modern Fort Orange, that there is a patent steel boiler made there, so constructed that there is a perfect and rapid circulation of water through all parts of the boiler, from the time the fire is started until it dies out. Far be it from me to call in question an assertion concerning facts of which I have no knowledge; but I venture to suggest, that the assertion means, that the very moment when the fire is started, the water becomes so heated that, because of the heat, the circulation begins—a most wonderful achievement, and one which ought to lead to the adoption of the principle for all the steam fire engines of the country, because no more important desideratum could be secured than this instantaneous firing up—this *instant* bringing of the coldest water to a boiling point. A device of this kind, supplemented by another—which I have no doubt the inventor of the boiler could compass—annihilating time and space, and getting the engines *instantly* to the scene of conflagration—would do more to solve the question of fire extin-

guishment than anything else I can imagine. Understand, I am not hinting that either this or the whale story may have been an exaggeration; all such questions I should willingly leave to our friend Rodgers, whose mere instincts on such a question would be of more value than the most profound cogitations of many a philosopher of wide reputation. He could probably also determine, "on sight," concerning the accuracy of another statement in the same illustrated publication — the statement that one of your brewing concerns is second to none in the way of perfect goods, admirable service, and progressive enterprise. I am not a drinker of beer — I prefer champagne — and consequently am not an expert; but I believe there are gentlemen within the sound of my voice who are at this moment more curious to know and to test the truthfulness of that part of the declaration that concerns the *admirableness of the service* — how the concern *serves* its beer, especially to the thirsty and waiting stenographer — than concerning any other part of the declaration. There is one other paragraph of this publication which so modestly tones down the electric light that might unduly illumine the superior qualities of our capital city, that I venture to mention it. It declares that if you ascend to any of the high roofs at midday, and look at the scene beneath and around, lofty buildings, beautiful churches, and a *large population* meet the sight. This statement I have never tested. I am confident that the buildings and the churches could be seen; but as to the "large population" being visible at that hour, I have no knowledge or information sufficient to form a belief. I doubt not, however, that the statement is authoritative; at any rate, Ruso and Loeb know; and it is to me an interesting fact that at that particular hour, *midday*, the "large population," not many of whom has it ever been my good fortune to see at any one time, is visible; and I presume that must be the hour for fashionable promenade by the élite of Albany. These facts concerning the habits of a people in whose midst we may be for a few hours sojourning are very interesting to the student of human nature; they help him to take a comprehensive and generous view of his fellow-countrymen, and to comprehend how we differ, and how cosmopolitan we are. And it is another cheering fact, also stated in this publication, that the people — this large population, which one may see at midday if he will only go to one of the high roofs and look down — is no common population, but one noted for its refinement; in whom, whether they be "in pursuit of business or of pleasure," there is observable "a marked avoidance of excessive greed on the one hand and of indolence and vulgarity on the other." Happy people! The fortunate citizens of a perfect

municipality! What other, except possibly Troy, where the influence of our friend Rodgers has so long brooded as an overshadowing spirit, can boast such possessions and accomplishments as these!

But I am personally and individually conscious that not only has Albany a memorable history, for the investigation of which enterprising and scholarly Albanians have given us many a luminous page, but that the eminence which, when I first knew the city, was crowned with the unpretending old state house and its neighboring and celebrated hostelry, is now crowned with an edifice, to be illuminated this very night in celebration of its completion, so stately in its exterior proportions and so exquisite and magnificent in its interior carvings and decorations, that we trust it may stand for hundreds of years, as a monument, not of the extravagant expenditures that have attended its construction, but of the genius of its architects and designers, who thought out the majestic outline, and the poems in stone with which it is adorned. Of the history of which I have spoken, every citizen of the Empire state should know much. Webster said the world knew that of Massachusetts "by heart;" and there are many historical facts concerning this state—a state which was settled earlier than Massachusetts was—and concerning its present capital city, which we also should know, by heart. Some features of the early Fort Orange may no longer be visible. The three hills on which it stands, which were once so well marked, may not now be so readily distinguishable; the three ancient historic streams that tumbled down through the valleys that separated those hills—the Foxenkill, the Puttenkill and the Beaverkill—may be no longer visible; but the obstinate courage and perseverance of the early settlers, and the victories they achieved over the asperities of primeval nature and the more terrible foes that prowled about them, should never be forgotten. And the site of the city is certainly majestic. One appreciates the situation especially well as, on some afternoon when the autumnal haze is lifted from the hills and every summit stands out in sharp outline, he ascends from the river valley by the Boston and Albany, on his way toward Chatham and the Berkshires. I remember how, as I made that journey two years ago when returning from our meeting at Syracuse, the impression of the majesty of the situation was borne in on my own consciousness. The state house, and the many lesser noteworthy edifices, stood out in bold outline, while off to the southwest lay the Helderbergs, and further still the blue masses of the Catskills, majestically filling and bounding all that horizon; while as the sun went down behind those blue and purple masses, the whole

scene seemed transfigured, and one could hardly do otherwise than exclaim, What a beautiful place this great round world is! How well this part of it is fitted to be the home of an enterprising and intelligent, a conscientious and a liberty loving people! I especially congratulate our friends of the third district, under whose kindly guardianship we are now assembled, on all these inspiring things; and I congratulate Albany and its neighboring city—the ancient Fort Orange, and all that constituted the historic Rensselaerwyck—on the ability and the public spirit of our friends the stenographers, who are such important auxiliaries in the administration of that justice which is the pride of our Anglo-Saxon civilization.

The CHAIRMAN: Coming from the city of Albany, we always like to hear good things said of that town. It is a town rich in historic lore. But it has gotten to be so that every short-legged man in the state of New York says that he has been to Albany and had his leg pulled. Still, I notice that some of our friends came to Albany this year. There was a bill introduced last winter in the legislature, and they came to Albany in force, and spouted before the legislative committee, and then they went home, and it was reserved for some of the Albany gentlemen to do a little something. Suddenly, right after the Spanish war was declared, we found a New York gentleman coming to Albany in great haste. I believe it was Moynahan. He brought his gripsack with him, and they thought the Spaniards were coming to the harbor of New York and that the population was moving north. He came in order to have something done with a bill. He left his gripsack in the office. After several days Moynahan went back, leaving his gripsack still there. Lawson complained; all of our neighbors complained. The board of health came, and we never suspected what was the matter until after a while that gripsack went floating down, with Dennett's lunch, to New York. We are always glad to see our New York friends, but we hope we will never have anything more of that sort from New York left in their gripsack.

I was sorry our friend Bishop did not speak as long as I had counted on. Now we would like very much to hear from Boston, and we all know whom we would like to have speak for Boston. May we have a few words from Miss Burbank? (Applause.)

MISS CORA ELISABETH BURBANK: Mr. Chairman, I thank you very much for calling on me, but, as you all know, it is not my province to speak. It is my province just to write down what is said. So I don't think I will take any of your time. I thank you for your entertainment, and for your kind reception of me into your association. (Applause.)

The CHAIRMAN: We have with us a gentleman from the south. I have not the pleasure of knowing him personally, but I know you would all like to hear from Mr. Schrader, of West Virginia.

Mr. LOUIS E. SCHRADER: Mr. Chairman, I am obliged for an opportunity to at least thank you. I may say I am too full for utterance. I am — (a voice: How is the Wheeling down in West Virginia?) — tired. I may say I am pneumatically tired.

I never professed to be much of a shorthand writer, and I am rather proud to be amongst an assembly of gentlemen whom I have known by reputation, at least, for years. I thought, when I counted myself amongst these ladies and gentlemen here, that I might claim the distinction of coming farther than any one else to attend the association's meeting — till I found a gentleman who came from Canada, and so I am out of that; but I am very contented and pleased to be the least of the association and the people who are gathered here this evening. I thank you very much. (Applause.)

The CHAIRMAN: President McLoughlin is "not the only pebble on the beach." There is Mr. Ormsby, from New York.

Mr. SIDNEY C. ORMSBY: Mr. Chairman, when you started the speech-making this evening, you prohibited two persons from taking part in it — the fellow who had a speech in his inside pocket, and the fellow who is going to speak to-morrow morning. I belong to the latter class. But if you will permit me, I will suggest that Mr. Van Demark might respond for our committee, and I am sure he can give some expression of the gratitude that we all feel for this bountiful repast, and the entertainment you have spread before us. (Applause.)

The Chairman invited Mr. Van Demark to speak.

Mr. H. S. VAN DEMARK: *Mr. Chairman, Ladies and Gentlemen:* We feel, as an association invited by you from New York, a double obligation to the gentlemen from Albany. We not only owe an obligation to the association for having invited us here to their meeting, but, through the association, an obligation to the members from Albany, for the very cordial reception and entertainment which we have received at their hands this evening. I, with others of the New York stenographers, have come to Albany as a committee from an association formed within the last two years, calling themselves the "Association of Law Reporters of the City of New York." We have banded together in New York for the purpose of improving the condition of stenographers in New York by throwing about ourselves those safeguards that people in other lines of business have found necessary. We have undertaken to prescribe limits within which stenographers should practice, and which may

assure to them the benefits of their competency. We have appeared here, at your invitation, to urge upon you a bill which we have prepared, and which we believe will be not only for the interest of the New York city stenographers, but for that also of the stenographers of the state at large.

But that is a matter that we will discuss to-morrow; and after explaining the purpose of our committee in appearing here, and recognizing our dual obligation to the association and to the members from Albany, I wish to thank you again very much for the cordial reception that has been extended to us. (Applause.)

The CHAIRMAN: We also have with us a gentleman from the Keystone state, brother Head, from whom we would like to hear. (Applause.)

Mr. ARTHUR HEAD: Mr. Chairman, looking around on this assembly, I am not the gentleman who is representative of the Keystone state. The representative stenographer of Pennsylvania is Col. Demming. If he were here he would be prepared to speak. He is a great speech-maker, and always prepared. I can do almost anything else than make a speech. I can represent the Keystone stenographers at eating and in drinking, but not in speech-making. I think you will have to wait until to-morrow morning, when Col. Demming will be present. (Applause.)

The CHAIRMAN: Now is the time for Mr. McLoughlin's song. (Applause.)

President McLoughlin sang the selection from "Pinafore," entitled "For he is an Englishman." (Great applause.)

The CHAIRMAN: That is the worst of all. Imagine a McLoughlin talking about an Englishman! I would like to hear what brother Haynes thinks of that.

Mr. GEORGE A. HAYNES: I was up late last night, and I can't tell you what I think about it, he kept me up so late. I don't know what to say. I suppose, if you can't say anything, and if you can't sing anything, there is only one thing to do, and that is to tell a story. A remark made to me to-day by brother Butcher, to the effect that he used twelve phonographs in his establishment, brings to my recollection an experience of mine several years ago, when the phonograph was about being brought out, and it was going to take away the business from every shorthand writer. It struck me that, instead of its being my master, I thought I would make the phonograph my servant; and I went down to the office, which at that time was in Dey street, to investigate the phonograph. I went into the office, and asked if I could see the phonograph and have a test

of it. I found there was a gentleman inside, grinding out something to the phonograph himself. The gentleman proved to be Mr. Clemens — Mark Twain. I was told that if I would wait a moment, till he finished what he was saying, I could go in and hear the reproduction. I waited a few minutes, and then I was ushered in. The tubes were adjusted, and I put them to my ears. This was a test to see how the phonograph would reproduce; and this was what the phonograph said, which Mr. Twain had dictated into it: "I was going down east, some little time ago, and arriving at a place some twenty or thirty miles from New York, I got off the train to make a change, and I saw Mr. Beecher on the platform. I went up to him and said, 'Mr. Beecher, how do you do?' 'How do you do, Mr. Clemens? Glad to see you.' He was talking to a friend of his, and I excused myself, as they seemed to be having a private conversation, and apparently taking no notice of what was going on. I noticed that this gentleman who was speaking to Mr. Beecher gave an 'awheooo!' now and then in the conversation. In a few minutes Mr. Beecher got on the train, and left his friend, to whom he had introduced me — Mr. Williams, and Mr. Williams and I got into conversation. I noticed that he 'wheooo'd' now and then, and that he was a stuttering man. I thought I had gotten sufficiently well acquainted to say to him, 'Mr. Williams, I notice that you 'wheooo' every now and then.' 'Oh, yes; I have to do that occasionally.' I said, 'What is the occasion of that, Mr. Williams?' 'Oh, you know, I used to — wheooo — to stutter, and I went to one — wheooo — specialist, and another specialist, and another specialist, and it was no good. Then at last I was advised to go to Professor Von Burstermeister, in Berlin, and he said, 'If you could — wheooo — could only *whistle* when you have any difficulty — wheooo — difficulty in speaking, it would cure you.' And you see it *has* cured me.'" (Laughter and applause.)

The CHAIRMAN: We will now hear from Mr. Fitzgerald, of Albany.

Mr. J. A. FITZGERALD: A man who was found laughing in New York, the other day, was asked by his friend what he was laughing at. He said, "I am an Irishman, and I am tearing down a Protestant church, and getting paid for it."

A dude went into a restaurant, the other day, and sat down at a table, and an Irishman took a seat directly opposite him. The dude ordered little-neck clams. The Irishman said, "I'll take some, too." The dude ordered some veal cutlets, and the Irishman said, "Yes, that's good enough for me." The dude said he would have a strawberry dumpling, and the Irishman wanted some, too. Finally the dude said, "Send me a boot-

black;" and the Irishman said, "Send me one, too." The waiter said, "Won't one bootblack do for the two of you?" The Irishman said, "If he can eat his, I can eat mine."

Rodgers, Ruso & Kelly wanted a man to wash their windows. Everybody knows how aerial their office is. The regular man was busy, and the colored help refused to do it. At last they secured Pat and Mike. Mike told Pat about the contract that he had. So he put one end of the plank out the window, and said to Pat, "Sit out there and wipe, while I sit in here and balance you." By and by he said, "Wait a minute, Pat." He hops off the plank and runs down to the sidewalk, and finds the other fellow ahead of him. He wondered how he got ahead of him. He said, "Well, Pat's dead, sure enough!" Pat rolled over: "You're a liar! I'm not dead!" "Lie still, Pat; the doctor knows best!" (Laughter and applause.)

Messrs. Baker and Fitzgerald then sang a song in honor of Mr. John E. Kelly, of Albany. The sentiments were heartily applauded.

President McLOUGHLIN: Mr. Chairman, that may not be stenography or law, but it is the "touch of nature" that "makes the whole world kin."

The CHAIRMAN: It has been suggested by one of the gentlemen on my right that we have had a song and a story, and we should now have a Carroll.

Mr. EDWARD CARROLL, JR.: *Mr. Chairman, Ladies and Gentlemen*: If it is a carol that you expect, I am afraid that you will be very much disappointed. My friend, Mr. Ormsby, has pleaded an excuse which I would gladly have availed myself of to-night, because I am afraid you will hear a great deal of my voice to-morrow. But, having pleaded that excuse, I am afraid I will not be extended the same leniency that he received, because there is not a convenient Mr. Van Demark to relieve me. I am afraid that the responsibility devolves on me to bear my own burden. I can only emphasize the gratitude that we feel at the very cordial reception that the gentlemen have extended to us. We feel that you sympathize with the object that we have in view, and I can assure you that we sympathize with the purposes of the State Stenographers' Association.

I doubt very much if this is a time for any serious remarks. The conviviality of the company, and the general frivolity of feeling at present existing, I think somewhat preclude serious consideration and serious remarks; and I believe that I am not fitted to make any other kind. (Applause.)

Mr. BISHOP: Mr. Chairman, may I say that that reminds me of a story. Two gentlemen of the Irish nationality were stand-

ing on the shore together, and one lost his balance and fell into the water. "Help me!" he cried; "I am drowning. I can't swim!" "No," said the other, "neither can I, but I ain't bragging about it." (Laughter.)

Mr. McLoughlin: Mr. President, pardon me just one suggestion. You said I was "not the only pebble on the beach." I would suggest that the Beach is here, and also that the Cherries are ripe.

The Chairman called upon Mr. Beach.

Mr. HENRY L. BEACH: Mr. Chairman, I am in almost as bad a condition as Finnigan when he was elected to the office of alderman. His friends called on him to pay their respects, and they drank his whiskey, made speeches, sang songs, and told stories; but Finnigan did nothing. Finally there came a general demand for Finnigan to take some part in it. Finnigan said: "Well, gentlemen, you know that I can't make a speech, nor sing a song, and I don't know any stories; but if it will be any accommodation to you, I will lick any man in the house."

I have been very much pleased with the feeling and expression of unanimity here in the household. I think if we were to take a vote on the feeling toward our entertainers, it would be very much like the German down in Pennsylvania. They had a dry kind of an affair down there, in the campaign, and after the eloquent speakers had finished their speeches, there was a general call among the audience for an old German who happened to have a seat upon the platform, and who seemed to be very well known to the people there. They called his name several times, and he made no response. Finally his friends said, "Why don't you say something?" He got up, advanced a step or two, put his hands on a chair, and said: "Mein friends und neighbors, I tank you for dees kind invitation, but you know dot I can't make a speech. I never made a speech, but I always vote der Republican ticket, und dees fall I like to have you all go mit me und vote dot ticket. I like to see de piggest Rebulican majority dees fall dot Lancaster county ever saw. I vant dot majority so big dot it vill roll over der porders into der Susquehanna river, und roll down into der Chesapeake bay, und across der Atlantic ocean, und roll up der Rhine to de vaterland, und up to de castle of der kaiser; und ven der great king of Germany see dot majority, his eyes stick out, und he say, 'Mein Gott in himmell! vat majority dey got in Lancaster county!'"

The **CHAIRMAN:** If any man wants to tackle Beach, after the manner of Finnigan, he can step outside. We will next call upon Mr. Beale, of Boston.

Mr. CHARLES CURRIER BEALE: *Mr. Toastmaster, and Ladies and Gentlemen:* After enjoying such a repast as I have, and miss-

ing only our succulent Boston baked beans, I suppose I ought to say something. But the speech that I thought of as I went along was just delivered by somebody else, and I can't either sing or dance, or tell a story, or even fight any one in the room. So I shall have to give room to some one else who can.

I wish to say, however, that I have been very much interested in all the proceedings, both this afternoon and evening, and that it gives me pride and pleasure, as a stenographer, to meet gentlemen of the calibre, the wit, the experience, and the talent, and ladies of the beauty and intelligence, that we have here this evening. And I shall go back to Boston feeling that my trip has not been in vain, and that I belong to a profession that is not the least among the professions, and that the paper which I heard read ten years ago by Col. Dickinson, of your association, and which at that time seemed to indicate that the profession of stenography was not a profession, but was simply, as he expressed it, a means of providing a pot-boiler to furnish food and clothing and simple sustenance, was not quite correct, but that we may include in our ranks, as we see before us, a Chauncey Depew, and an orator of such polished skill as Mr. Bishop, and such musicians as President McLoughlin; and I now expect, before I go, to hear something from Mr. Rose, which will probably eclipse everything.

I will simply say, once more, that I thank you all for the kindness you have extended to me, and especially your courtesy in making me an honorary member of your association, which, while I feel I do not deserve it, I shall cherish as one of the pleasantest remembrances of my visit to you this year. (Applause.)

The CHAIRMAN: We have heard from the metropolitan cities of New York and Boston, and now I will call upon a hayseed stenographer, who can write "hayseed" with one stroke. Mr. Law, of Cambridge.

Mr. R. R. LAW: Mr. Toastmaster, I felt, when I heard the last speaker, that I could join with the sentiments of the old woman from Massachusetts, who said that all the people in this world should be divided into two classes—those who had been to Boston, and those who had not. I have learned a great deal to-night. I knew a great deal before of the hospitality of the Albany and Troy men, and I knew considerable of the cities of Albany and Troy, but I have learned a great deal historically from Mr. Bishop's most interesting remarks—interesting to me, although I thought I knew the Albany men pretty well. For he said, if I understood him correctly, that Rodgers spent the greater part of his time in contemplating the water in the Erie canal, or some other large body. I also received the inter-

esting information with reference to Mr. Lawson. I had discovered, during his speech, that Mr. Lawson was "hot stuff," but I didn't know that he came from below.

At this stage of the proceedings, gentlemen, I don't think that I should prolong my remarks further, lest you all should be in the condition of a witness that I once heard in court. It was a negligence case, of an old Irishman who had fallen on a slippery sidewalk and broken his arm. The attorney for the defendant was trying to show that the old man's injury had not lasted very long; that he really had lost very little time, — in order to minimize the damages. He said to him, "Well, now, Mr. Sullivan, after you got around, didn't you do some work?" "Oh, yes, sir; I did some work." "What did you do?" "With my one arm I carried the swill down to the water." "Well, did you do anything else, sir?" "Oh, yes," he said, "I drove up the cows once or twice for the boys to milk." "Now," said the lawyer, "did you do anything more during that time?" "Oh, yes." "What else did you do?" "I suffered pain."

The CHAIRMAN: I see from the looks upon the faces of my lady friends, that they have not entirely recovered from the effects of President McLoughlin's song. They want to go home. And I have decided to wind up, as far as the speech-making is concerned, by calling upon Mr. Martin, of New York.

Mr. JOHN P. MARTIN: *Mr. Toastmaster, Ladies and Gentlemen:* When I arrived in town this morning from the Thousand Islands, and found that I was the only representative here from the city of New York, I was afraid that these conspirators, when they had exhausted all other material, might call upon me. But my heart was gladdened this afternoon, when there appeared upon the scene, armed with a camera and other utensils, the baby supreme court reporter, at least of the state of New York, and I think, of the United States — Mr. Shalvey. I will ask him to say what he can for the supreme court of New York.

Mr. EDWARD J. SHALVEY: *Mr. Toastmaster, Ladies and Gentlemen:* I always thought Mr. Martin was a *friend* of mine.

The gentleman in the city who delivers condensed milk was known at first to the servant girls in the houses as "the condensed milk man." After a little while he was known as "the condensed milk." After more intimate acquaintance he was known as "the condensed man." To-night I will be "the condensed man."

Although I am, as Mr. Martin says, the baby stenographer of the state and the United States, I owe my long life to the fact that I never made a speech. While I join with the other gentlemen in thanking the gentlemen from Albany and Troy, who have entertained us this evening, I also congratulate them upon

the fact that they have chosen this beautiful spot in which to hold the banquet. We appreciate also the fact that we had much pleasure in getting out here. I thank you, gentlemen, for calling upon me, and for your entertainment this evening.

President McLOUGHLIN: Mr. Chairman, I have no doubt that I shall be excused, because I was excused for so long here to-night. I didn't have a chance to say all the things that I had with me. But there is one here that we all should honor. We have enjoyed this banquet—turkey, chicken, *et seq.* Who produced them? (Voices: The cook.) Who will reproduce the words of eloquence and wit and wisdom that have flowed around this gathering? (Voices: Cook.) The gentleman who has labored this evening to give to posterity the brilliant utterances of the evening.

The Chairman called upon Mr. Cook.

President McLOUGHLIN: Did you ever witness the astounding feat of a man speaking and taking his speech at the same time?

Mr. ARTHUR B. COOK: *Mr. Chairman, Ladies and Gentlemen:* I will "cut it short."

It was always my idea that one who reported the speeches had a place of safety; and so the mention of my name at this moment is a complete surprise. It is, however, a pleasant one; for I am glad of an opportunity to add my word of thanks for the magnificent hospitality bestowed upon us by our Albany friends.

I am obliged to our good president for his pleasant remarks. He is evidently trying to atone for the Napoleonic methods pursued by him this afternoon; for which, in spite of my personal sufferings, I could not help sharing the admiration expressed by our toastmaster. But Napoleon, after many victories, at last found his St. Helena, and McLoughlin has found his. It is sad to see a commanding genius in such lonely exile; but the calm resignation, the unflinching fortitude, the unbroken cheerfulness, and the heroic devotion to the duties of the hour, shown by him in his new character of "Peter the Hermit," furnish a splendid example, and will be an inspiring memory.

In regard to the *coup d'état* executed this afternoon by President Napoleon McLoughlin, I must say that I never was more astounded than by the secretarial proposition which confronted me when I entered the assembly parlor. For many years I have made it a constant rule, when attending public meetings, to be prepared to take notes on any subject of special interest. This convention is the first and only important meeting in the case of which I disregarded that rule. I thought of our faithful secretary, now called by Uncle Sam to a post of honor; I realized that he would be surrounded by a host of ready writers, and I concluded that for once I could leave my note-book at home

without fear that some good word or happy thought might be lost to posterity. But, Mr. Chairman, this experience teaches me that the motto of the stenographer should be, "*Semper Paratus.*"

As the second day of our meeting is rapidly approaching, if not already here, I will close by thanking the association for their kindness in honoring me with these unexpected duties. (Applause.)

Mr. Cherry was then called upon.

Mr. WILLIAM P. CHERRY: I don't thank the president, Mr. Chairman, for calling upon me at this late hour to-night, when all the good things that stenographers as a body know have been said by those who have already spoken. But having partaken of this bountiful "night lunch" (I don't know what your Albany dinners can be,) I feel like Finnigan in the story of Mr. Beach—I could lick the crowd. I can only say that I feel, and I believe that you feel, like the little girl in church. The parson had made several "lastlys," and he finally came down toward the end and said, "And what shall I say next?" The little girl, who had been accustomed to hearing him say "Amen" at the end of every speech, and who was very tired, called out, "Say amen, and sit down!" I think I will have to do that. (Applause.)

At the suggestion of President McLoughlin, all joined hands and sang "Auld Lang Syne," after which the trolley returned the members to Albany "by the light of the moon."

OFFICIAL COURT STENOGRAPHERS OF NEW YORK STATE.

(COMPILED BY PETER P. McLOUGHLIN.)

FIRST JUDICIAL DISTRICT.

CITY AND COUNTY OF NEW YORK.

Appellate Division.

Frederick D. Storey, 1815 Prospect avenue.

Benjamin H. Doane, 1820 Prospect avenue.

Supreme Court — Trial Term.

Part 1, William C. Huson, World Building.

Part 2, William A. Donnell, 150 Nassau street.

Part 3, Edwin N. Robbins, 220 West Forty-sixth street.

Part 4, Edwin A. Kingsley, County Court House.

Part 5, John Cotter, 1011 East One Hundred and Seventy-fifth street.

Part 6, Peter J. Loughlin, 201 East Tenth street.

Part 7, Bartholomew Moynahan, 56 East One Hundred and Thirty-first street.

Part 8, James E. Munson, 1186 Lexington avenue.

Part 9, John Standfast, 2490 Valentine avenue.

Part 10, Edward J. Shalvey, 237 West Fifty-fourth street.

Part 11, William F. Bonyng, 203 Broadway.

Part 12, Henry G. Smith, 102 West One Hundred and Twenty-third street.

Special Term.

Part 1, Albert E. Cochran, 952 Fleetwood avenue.

Part 2, James J. Nealis, 305 East Broadway.

Part 3, John P. Martin, 155 East One Hundred and Twenty-third street.

Part 4, Robert Macklin, 69 West Ninety-first street.

Part 5, Charles A. Morrison, County Court House.

Part 6, Clifton B. Bull, 559 Park avenue.

Part 7, Robert Bonyng, 102 West One Hundred and Twenty-third street.

City Court of New York.

Part 1, Frederick J. Warburton, Tribune Building, New York.

Part 2, Farrell O'Dowd, Tribune Building, New York.

Part 3, Michael J. Kelly, Tribune Building, New York.

Part 4, John R. Potts, 150 Nassau street.

Court of General Sessions.

Part 1, Thomas W. Osborne, 32 Franklin street, New York.

Part 2, Frank S. Beard, 32 Franklin street, New York.

Part 3, Peter P. McLoughlin, 150 Nassau street, New York.

Part 4, George F. Flack, 32 Franklin street, New York.

Surrogate's Court.

James A. Donnelly, County Court House, New York.
Paul Jones, County Court House, New York.
H. A. Playter, County Court House, New York.

Stenographer to the Grand Jury.

Francis J. Keenan, 9 Charlton street.

Municipal Court.

First District, William W. Vaughn, 32 Chambers street.
Second District, Benjamin F. Spellman, 82 Madison street.
Third District, Valencourt S. Lillie, 30 East Tenth street.
Fourth District, Caleb H. Redfern, 417 West Forty-fourth street.
Fifth District, Denis O'Sullivan, 287 Broadway.
Sixth District, George C. Kiesel, 292 Avenue A.
Seventh District, George A. Moulton, 131 East Seventy-third street.
Eighth District, William H. Wilson, West Twenty-third street and Eighth avenue.
Ninth District, George Zeiger, 57 West One Hundred and Twenty-fifth street.
Tenth District, Charles F. Tinkham, 115 Broadway.
Eleventh District, Harry W. Wood, One Hundred and Twenty-sixth street and Columbus avenue.
Twelfth District, William F. Browne.

Court of Special Sessions.

David S. Vietch, 32 Franklin street, New York.

City Magistrate's Court — First Division.

First District, Edmund T. Davis, 79 Seventh avenue.
Second District, Michael J. Tracy, 216 East Thirtieth street.
Third District, Waterman L. Ormsby, 267 West Eleventh street.
Fourth District, Edmund Cole.
Fifth District, J. H. Andrews.
Sixth District, James Nugent.

SECOND JUDICIAL DISTRICT.

Supreme Court — Appellate Division.

Herbert A. Briggs.
George H. Betts.

Trial and Special Terms.

Watt L. Ormsby, County Court House, Brooklyn.
Senter H. Ormsby, County Court House, Brooklyn.
John B. Carey, County Court House, Brooklyn.
Timothy Bigelow, County Court House, Brooklyn.

William P. Cherry, County Court House, Brooklyn.
 John Norcross, County Court House, Brooklyn.
 Charles H. Requa, County Court House, Brooklyn.

For the District Outside of Brooklyn.
 D. C. McEwen, Brooklyn.

Surrogate's Court, Kings County.
 Edward B. Dickinson, County Court House, Brooklyn.

Surrogate's Court, Queens County.
 Wm. Hendrickson, Long Island City.

County Court — Kings County.
 William Hemstreet, County Court House, Brooklyn.
 Charles J. Joyce, County Court House, Brooklyn.

Court of Special Sessions.
 Edward McLoughlin, Borough Hall, Brooklyn.

Municipal Court.
 First District, Joseph N. B. Rawle, Court and State streets.
 Brooklyn.
 Second District, Charles J. Doyle, 794 Broadway, Brooklyn.
 Third District, John W. Richards, 6 Lee avenue, Brooklyn.
 Fourth District, John Reilly, 249 Ewen street, Brooklyn.
 Fifth District, John Shaughnessy, Coney Island.

Borough of Richmond.
 John G. Farrell.
 Frank McGooley.

City Magistrate's Court — Second Division.
 First District, Charles Christman, 318 Adams street.
 Second District, Jos. McLean, Court and Butler streets.
 Third District, Jas. A. Walter, 197 Monroe street.
 Fourth District, Charles S. Findlay, 6 Lee avenue.
 Fifth District, John T. Hettrick, 249 Ewen street.
 Sixth District, J. J. Norton, Myrtle and Vanderbilt avenues.
 Seventh District, William McFeeters, 129 Schermerhorn
 street.
 Eighth District, Samuel B. Moore, Coney Island.

County Courts.
 Richmond County — Thomas Kenny, Richmond.
 Suffolk County — John E. Ketcham, Patchogue, L. I.
 Queens County — Daniel C. McEwen, Brooklyn.
 Westchester County — Isaac H. Smith, Peekskill.
 Orange County — Judson A. Hoar, Goshen.
 Rockland County — Frederick Wagner, Haverstraw.
 Dutchess County — Robert G. Graham, Poughkeepsie.
 Putnam County — Isaac H. Smith, Peekskill.

Special Terms.

Westchester County — Harvey Husted.

THIRD JUDICIAL DISTRICT.

Supreme Court.

Spencer C. Rodgers, Troy.

James M. Ruso, Albany.

John E. Kelly, Troy.

County Courts.

Columbia County — William Wortman, Hudson, N. Y.

Sullivan County — Charles Barnum, Monticello.

Ulster County — D. C. McMillan, New York.

Greene County — Alexander Reynolds, Catskill.

Albany County — Isaac G. Braman, Albany.

Schoharie County — Rodgers, Ruso & Kelly, Albany.

Rensselaer County — Louis Loewenstein, Troy.

Albany Surrogate's Court.

Quinton S. MacNeil.

Rensselaer Surrogate's Court.

A. E. Mambert, Troy.

Ulster Surrogate's Court.

John T. Cahill, Kingston.

FOURTH JUDICIAL DISTRICT.

Supreme Court.

Robert R. Law, Cambridge.

James Thompson, Amsterdam.

County Courts.

Warren County — Charles F. King, Glens Falls.

Saratoga County — Charles H. Sturges, Saratoga Springs.

Washington County — Harrie K. Bender, Whitehall.

Essex County — Robert Dudley, Elizabethtown.

Franklin County — William Badger, Malone.

St. Lawrence County — Peter R. MoMonagle, Canton.

Clinton County — W. W. Nichols, Jr., Plattsburgh.

Montgomery County — Arthur Meyer, Fort Plain.

Hamilton County — (None.)

Fulton County — H. W. Thorne, Johnstown.

Schenectady County — Michael Foley, Schenectady.

FIFTH JUDICIAL DISTRICT.

Supreme Court.

Charles F. Earle, Syracuse.

A. L. Woodward, Utica.

Fred. J. Morgan, Syracuse.

Harry R. Carrier, Oswego.

County Courts.

Onondaga County — John H. Wilson, Syracuse.
 Oneida County — W. D. Biddlecome, Deerfield.
 Oswego County — Henry S. Lavere, Oswego.
 Herkimer County — Charles L. Earle, Herkimer.
 Lewis County — John C. Uhlein, Watertown.
 Jefferson County — John C. Uhlein, Watertown.

SIXTH JUDICIAL DISTRICT.

Supreme Court.

Theodore C. Rose, Elmira.
 Henry L. Beach, Binghamton.
 John B. Murray, Delhi.

County Courts.

Otsego County — John B. Murray, Delhi.
 Delaware County — John B. Murray, Delhi.
 Madison County — Platt Townsend, Syracuse.
 Chenango County — John H. Mitchell, Norwich.
 Broome County — Henry L. Beach, Binghamton.
 Tioga County — Henry L. Beach, Binghamton.
 Chemung County — Elizabeth R. Packard, Elmira.
 Tompkins County — Truman Noble, Ithaca.
 Cortland County — Helen E. Kirby, Cortland.
 Schuyler County — G. B. Everts, Watkins.

SEVENTH JUDICIAL DISTRICT.

Supreme Court.

Irving C. Hutchins, Rochester.
 Thomas R. Griffith, Rochester.
 William W. Osgoodby, Rochester.

County Courts.

Livingston County — Frank B. Whipple, Genesee.
 Wayne County — Helen I. Buckley, Lyons.
 Yates County — Lillian E. Agan, Penn Yan.
 Seneca County — Claribel M. Teller, Seneca Falls.
 Ontario County — A. B. Sackett, Canandaigua.
 Monroe County — Richard H. Lansing, Rochester.
 Steuben County — L. A. Benton, Hornellsville.
 Cayuga County — Gertrude L. Knapp, Auburn.

EIGHTH JUDICIAL DISTRICT.

Supreme Court.

George H. Thornton, 79 White Building, Buffalo.
 Mark F. Bensley, 92 White Building, Buffalo.
 Charles H. Bailey, 1098 Ellicott square, Buffalo.

Henry F. Glisan, Fredonia.

Irving F. Cragin, 79 White Building, Buffalo.

Robert C. Chapin, 92 White Building, Buffalo.

Richard W. Walsh, 324 Prudential Building, Buffalo.

County Courts.

Allegany County — Elba A. Childs, Wellsville, N. Y.

Cattaraugus County — Miss Hattie Horton, Olean, N. Y.
Surrogate's Court: Miss L. E. Weber, Salamanca, N. Y.

Chautauqua County — Henry F. Glisan, Fredonia, N. Y.
Surrogate's Court: Matilda A. Woodward, Mayville, N. Y.

Erie County — Frank T. Haggerty, 838 Ellicott square, Buffalo, N. Y. Surrogate's Court: James P. Moore, City Hall, Buffalo, N. Y. Municipal Court: Edwin E. Webb, Municipal Building, Buffalo, N. Y.; Frederick Denny, Municipal Building, Buffalo, N. Y.

Genesee County — George H. Thornton, 79 White Building, Buffalo, N. Y. Surrogate's Court: Miss Mary A. Lewis, Batavia, N. Y.

Niagara County — William R. Culver, 19 Opera House block, Lockport, N. Y. Surrogate's Court: John A. Deasy, Hodge Opera House, Lockport, N. Y.

Orleans County — George A. Bailey, 1098 Ellicott square, Buffalo, N. Y.

Wyoming County — County and Surrogate's Court: Newton S. Wells, Warsaw, N. Y.

State Court of Claims.

Thomas Watts, Middletown.

The following meetings of the association have been held since the original call of August 18, 1876:

1. Syracuse, August 26, 1876.
2. Ithaca, August 20, 1877.
3. Rochester, August 21 and 22, 1878.
4. Saratoga Spa, August 20 and 21, 1879.
5. Syracuse, August 19 and 20, 1880.
6. Buffalo, August 24 and 25, 1881.
7. New York, August 1 and 2, 1882.
8. Watkins, August 21 and 22, 1883.
9. Laurel House, Greene County, August 19, 1884.
10. Niagara Falls, August 18 and 19, 1885.
11. Caldwell, August 17 and 18, 1886.
12. Alexandria Bay, August 16 and 17, 1887.
13. Caldwell, August 21 and 22, 1888.
14. Alexandria Bay, August 20 and 21, 1889.
15. Mountain House, Greene County, August 19 and 20, 1890.

16. Rochester, August 18 and 19, 1891.
17. Saratoga Spa, August 25 and 26, 1892.
18. Niagara Falls, August 24 and 25, 1893.
19. West Point, August 23 and 24, 1894.
20. New York, August 22 and 23, 1895.
21. Syracuse, August 27 and 28, 1896.
22. Ontario Beach, August 26 and 27, 1897.
23. Albany, August 25 and 26, 1898.

OFFICERS N. Y. S. S. A.

PRESIDENT.

1876-77	W. W. Osgoodby.
1877-78	W. W. Osgoodby.
1878-79	P. Deming.
1879-80	S. C. Rodgers.
1880-81	C. G. Tinsley.
1881-82	Geo. H. Thornton.
1882-83	Geo. R. Bishop.
1883-84	Theo. C. Rose.
1884-85	A. P. Little.
1885-86	Wm. H. Slocum.
1886-87	*W. O. Wyckoff.
1887-88	E. B. Dickinson.
1888-89	B. Moynahan.
1889-90	Henry L. Beach.
1890-91	Thos. R. Griffith.
1891-92	S. C. Rodgers.
1892-93	Geo. R. Bishop.
1893-94	Theo. C. Rose.
1894-95	Chas. F. King.
1895-96	Geo. H. Thornton.
1896-97	Robert R. Law.
1897-98	Peter P. McLoughlin.
1898-99	Peter P. McLoughlin.

VICE-PRESIDENT.

W. O. Wyckoff.
W. O. Wyckoff.
D. C. McEwen.
Wm. H. Slocum.
*Worden E. Payne.
Fred M. Adams.
A. P. Little.
B. Moynahan.
James M. Ruso.
Henry L. Beach.
Geo. C. Appel.
John B. Murray.
Thos. R. Griffith.
Chas. L. Guy.
Mrs. C. E. Brockway.
Geo. H. Thornton.
Chas. F. King.
Benj. W. Readshaw.
Norman P. Heffley.
Mrs. Clara A. White.
Peter P. McLoughlin.
Irving C. Hutchins.
A. B. Weaver.

SECRETARY-TREASURER.

1876-77	C. G. Tinsley.
1877-78	C. G. Tinsley.
1878-79	*William F. Duffield.
1879-80	Theo. C. Rose.
1880-81	Geo. H. Thornton.
1881-82	A. L. Woodward.
1882-83	Thomas H. Griffith.
1883-84	Herbert A. Briggs.
1884-85	M. Jeanette Ballantyne.
1885-86	Harvey Husted.
1886-87	*Wm. S. Kershner, (Theo. C. Rose.)
1887-88	Theo. C. Rose.
1888-89	Henry L. Beach.
1889-90	*Mrs. E. F. Rowley.
1890-91	Mrs. Clara A. White.
1891-92	Irving C. Hutchins.
1892-93	Wm. Loeb, Jr.
1893-94	Etta A. Emens.
1894-95	Kendrick C. Hill.
1895-96	Kendrick C. Hill.
1896-97	Kendrick C. Hill.
1897-98	Kendrick C. Hill.
1898-99	Arthur B. Cook.

LIBRARIAN—1885-98 Mrs. Eliza B. Burnz.
 1898-98 Miss M. Jeanette Ballantyne.

*Deceased.

OFFICERS FOR 1898-99.

PRESIDENT.

Peter P. McLoughlin, - - - New York.

VICE-PRESIDENT.

A. B. Weaver, - - - - **Buffalo.**

SECRETARY AND TREASURER.

Arthur B. Cook, - - - New York.

LIBRARIAN.

Miss M. Jeannette Ballantyne, - Rochester.

EXECUTIVE COMMITTEE.

Robert R. Law, Chairman, Cambridge.
William M. Thomas, Albany. Waterman L. Ormsby, Brooklyn.
John H. Wilson, Syracuse. Miss Etta A. Emens, Rochester.
The President, *ex-officio*.

EXAMINING COMMITTEE.

First District,	Frank S. Beard,	New York.
Second District,	Norman P. Hefley,	Brooklyn.
Third District,	John E. Kelly,	Troy.
Fourth District,	Robert R. Law,	Cambridge.
Fifth District,	John C. Uhlein,	Watertown.
Sixth District,	Mrs. Clara A. White,	Elmira.
Seventh District,	Thomas R. Griffith,	Rochester.
Eighth District,	Charles H. Bailey,	Buffalo.

CONVENTION COMMITTEES.

ADMISSION OF NEW MEMBERS.

Henry L. Beach, Harry W. Wood, Miss Etta A. Emens.

NOMINATION OF OFFICERS.

Spencer C. Rodgers, Thomas R. Griffith, Wm. P. Cherry.

PLACE OF MEETING.

James M. Ruso, Edward J. Shalvey, Robert R. Law.

AUDITING COMMITTEE.

Sidney C. Ormsby, John H. Wilson, Geo. H. Thornton.

TOPIC COMMITTEE.

Norman P. Hefley, Miss Claribel Teller, Rudolph Tombo.

PRINTING COMMITTEE.

Arthur B. Cook, Spencer C. Rodgers, Norman P. Heffley.

RESOLUTIONS ON DEATH OF EDWARD F. UNDERHILL AND JAMES H. FISH.

George R. Bishop, Leopold Woodle, John P. Martin.

LEGISLATION.

William Loeb, Jr., Bart. Moynahan, James M. Ruso.

COMMITTEE TO CONFER WITH NEW YORK CITY ASSOCIATION.

John E. Kelly, Chas. A. Morrison, A. B. Weaver,
Wm. P. Cherry, Theo. C. Rose.

ACTIVE MEMBERS.*

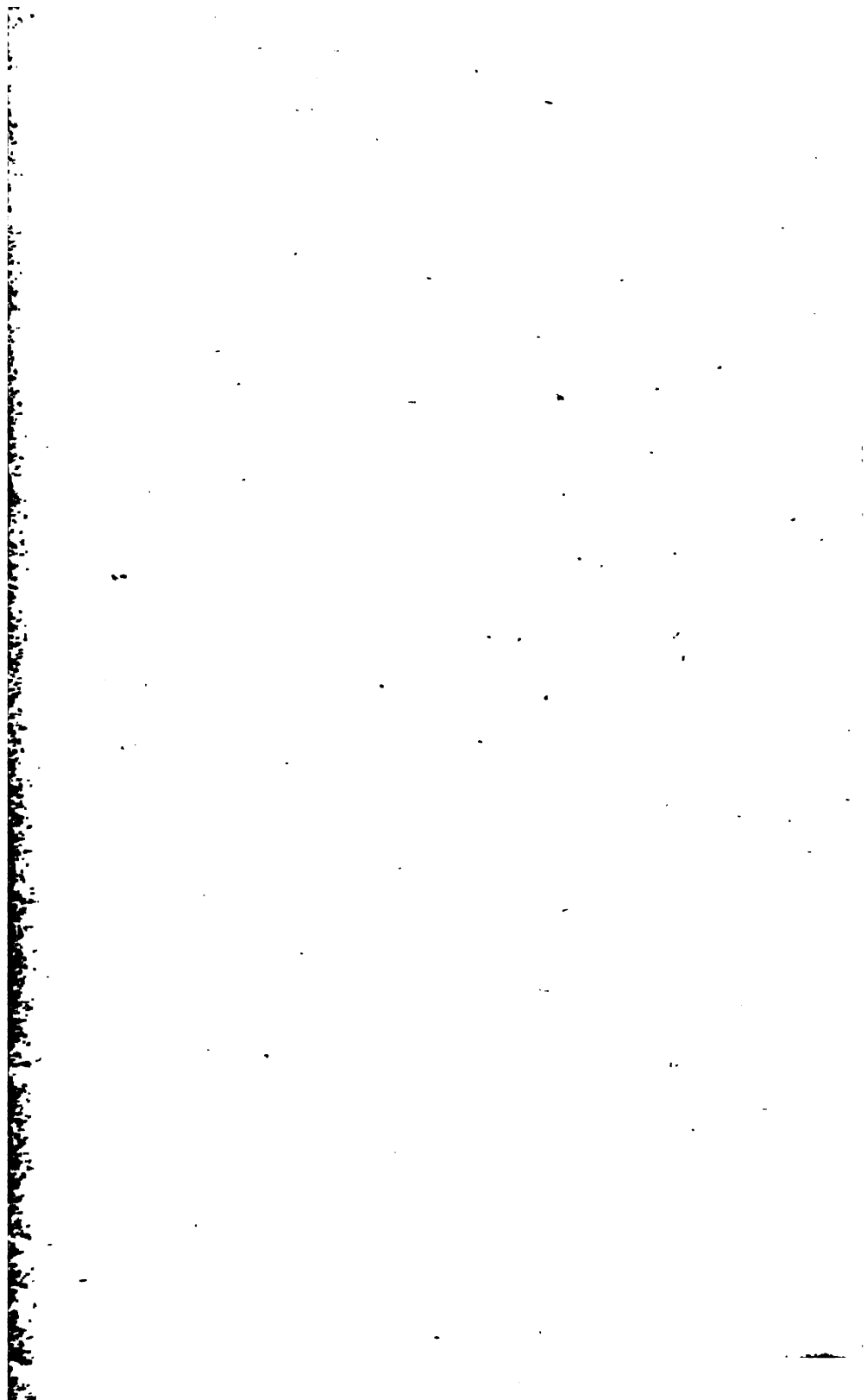
Agan, Lillian E.,	Penn Yan
Anderson, William	1169 Dean St., Brooklyn
Bailey, Charles H.,	Buffalo
Baker, Fred A.,	Criminal Court Building, New York
Balch, Charles W.,	99 Nassau St., New York
Ballantyne, M. Jeanette,	129 Powers Building, Rochester
Barnum, Charles,	Monticello
Beach, Henry L.,	Binghamton
Beard, Frank S.,	Criminal Court Building, New York
Bensley, Mark F.,	Buffalo
Betts, George L.,	County Court House, Brooklyn
Bigelow, Timothy,	County Court House, Brooklyn
Bishop, George R.,	New York Stock Exchange, New York
Bonyng, William F.,	203 Broadway, New York
Brice, David N.,	City Hall, Albany
Briggs, Herbert A.,	County Court House, Brooklyn
Bull, Clifton B.,	County Court House, New York
Burke, William J.,	Municipal Court, Rochester
Burrill, Thomas,	19 Municipal Building, Brooklyn
Cannon, Nellie,	Binghamton
Carey, John B.,	Room 25, Court House, Brooklyn
Chaffee, W. G.,	Phonographic Institute, Oswego
Chapin, Robert C.,	Buffalo
Cherry, William P.,	Room 25 Court House, Brooklyn
Cleary, D. J.,	Plattsburgh
Cook, Arthur B.,	Drexel Building, New York
Cotter, John,	County Court House, New York
Cragin, Irving F.,	79 White Building, Buffalo
Crossman, T. E.,	29 Broadway, New York
Culver, W. R.,	Opera House Building, Lockport
Dickinson, Edw. B.,	Court House, Brooklyn
Donnell, William A.,	150 Nassau St., New York
Donnelly, James A.,	Surrogate Court, New York
Doyle, Charles J.,	794 Broadway, Brooklyn
Emens, Etta A.,	300 Powers Building, Rochester
Emens, Cora M.,	300 Powers Building, Rochester
Flack, George F.,	32 Franklin St., New York
Fitzgerald, W. F.,	Schenectady
Griffith, Thomas R.,	409 Powers Building, Rochester
Gulick, Mrs. Nellie C. A.,	Geneva
Heffley, Norman P.,	Heffley School of Commerce, Brooklyn
Hill, Kendrick C.,	117 Duane St., New York
Huson, William C.,	World Building, New York
Hutchins, Irving C.,	409 Powers Building, Rochester
Joyce, Charles J.,	Court House, Brooklyn
Kelly, John E.,	Tweddle Building, Albany
Kelly, M. J.,	72 Tribune Building, New York
Kenny, Thomas Jr.,	West New Brighton
Kiesel, George C.,	407 Second Ave., New York
King, Charles F.,	134 Glen St., Glens Falls
Kingsley, Edwin A.,	County Court House, New York
Kirby, Helen E.,	Cortland
Lammert, H. C.,	539 Bergen St., Brooklyn
Law, Robert R.,	Cambridge
Little, A. P.,	409 Powers Building, Rochester
Loeb, Jr., William,	453 Broadway, Albany
Loewenstein, Louis,	Court House, Troy
Loughlin, Peter J.,	County Court House, New York
Lowe, A. W.,	Mexico
MacClinton, Seth B.,	56 Pine St., New York
McEntee, Edward C.,	Albany

McEwen, Daniel C.	160 Stirling Place, Brooklyn
McLoughlin, Peter P.	160 Nassau St., New York
Macklin, Robert	County Court House, New York
Mambert, Alvin E.	Court House, Troy
Martin, John P.	27 Pine St., New York
Mason, Wm. L.	156 Fifth Ave., New York
Miller, Charles M.	The Packard College, New York
Morrison, Charles A.	P. O. Building, New York
Moore, Sarah A.	Elmira
Moynahan, Bartholomew	120 Broadway, New York
Munson, George W.	Surrogate's Court, Rochester
Munson, James E.	1186 Lexington Ave., New York
Murdock, Herbert C.	Elmira
Murphy, P. Swart	Gloversville
Murray, George A.	Tweddle Building, Albany
Murray, John B.	Delhi
Nealis, James J.	County Court House, New York
Nichols, Jr., Wm. W.	Plattsburgh
Noonan, James J.	32 Nassau St., New York
North, J. B.	Fort Edward
Nugent James	New York
Ormsby, Senter H.	Court House, Brooklyn
Ormsby, Sidney C.	Mills Building, New York
Ormsby, Waterman L.	County Court House, Brooklyn
Osborne, Thomas W.	32 Franklin, New York
Osgoodby, Wm. W.	717 Powers Building, Rochester
Pagan, C. F. H.	300 Mulberry St., New York
Parson, Clarence A.	55 Liberty St., New York
Potts, John R.	160 Nassau St., New York
Rawle, Joseph N. B.	State and Court Sts., Brooklyn
Readshaw, Benj. W.	128 Bird Ave., Buffalo
Redfern, Caleb R.	34 W. 26th St., New York
Reilly, John F.	14 Grand Ave., Brooklyn
Requa, Charles H.	County Court House, Brooklyn
Richards, John W.	6 Lee Ave., Brooklyn
Ridgway, Miss A. K.	145 Broadway, New York
Robbins, Edwin N.	County Court House, New York
Rodgers, Spencer C.	Tweddle Building, Albany
Rose, Theodore C.	Elmira
Ruso, James M.	Tweddle Building, Albany
Ryan, Richard W.	Room 178, P. O. Building, New York
Shalvey, Edward J.	Court House, New York
Shaughnessy, Edward	"The Columbia," Rochester
Smith, Henry G.	County Court House, New York
Smith, Isaac K.	Peekskill
Smith, Thomas F.	8th Av., and 23rd St., New York
Soule, Herbert C.	717 Powers Building, Rochester
Spellman, Benjamin F.	172 Grand St., New York
Standfast, John	County Court House, New York
Teller, Claribel	Seneca Falls
Thomas, William M.	Attorney General's Office, Albany
Thorne, Henry W.	Johnstown
Thornton, George H.	79 White Building, Buffalo
Tombo, Dr. Rudolf	2 Ridge Place (Mott Haven), New York
Uhlein, John C.	Watertown
Waldo, Lucius A.	Bath
Walworth, George S.	110 E. 125th St. New York
Warburton, Fred. J.	Tribune Building, New York
Watts, Thomas	Middletown
Weaver, A. B.	2 Erie Co. Bank Building, Buffalo
White, Mrs. Clara A.	Chemung Bank Building, Elmira
Wilson, John H.	Court House, Syracuse
Wilson, Marie A.	Potter Building, New York
Wood, Harry W.	31 Nassau St., New York
Woodle, Leopold	96 Broadway, New York
Wortman, Wm.	Hudson
Zieger, George	170 E. 121st St., New York

HONORARY MEMBERS.*

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Beale, Chas. Currier,	- - - - -	Boston
Bender, Charles H.,	- - - - -	Grand Rapids
Bengough, Thomas,	- - - - -	Toronto
Benham, Katharine E.,	- - - - -	Burlington, Vt
Bennett, J. L.,	- - - - -	Chicago
Bowman, John G.,	- - - - -	627 Walnut St., Philadelphia
Brown, David Wolfe,	- - - - -	1702 Oregon Ave., Washington
Burbank, Cora Elisabeth,	- - - - -	Boston
Burnz, Eliza B.,	- - - - -	New York
Burt, Frank H.,	- - - - -	1048 Tremont Building, Boston
Butcher, Nelson R.,	- - - - -	Toronto
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Dement, Isaac S.,	- - - - -	Chicago
Deming, Philander,	- - - - -	12 Jay St., Albany
Demming, Henry C.,	- - - - -	Harrisburg
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Devine, Andrew,	- - - - -	House of Representatives, Washington
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Dunlop, N. Stewart,	- - - - -	Toronto
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Easton, Edw. D.,	- - - - -	Washington
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Head, Arthur,	- - - - -	Towanda, Pa.
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Hitchcock, George F.,	- - - - -	Minneapolis
Horton, Albert,	- - - - -	Toronto
Horton, Edward E.,	- - - - -	Toronto
Howard, Jerome B.,	- - - - -	Cincinnati
Irland, Fred.,	- - - - -	House of Representatives, Washington
McGurrian, Frank E.,	- - - - -	Salt Lake City
Meigs, Charles H.,	- - - - -	New Haven
Mimms, John H.,	- - - - -	St. Albans, Vt.
Mitchell, Robert W.,	- - - - -	Portland, Ore.
Murphy, E. V.,	- - - - -	U. S. Senate, Washington
Pal, D. N.,	- - - - -	Calcutta, India
Patteson, Mrs. S. Louise,	- - - - -	Cleveland
Pitman, Benn,	- - - - -	Cincinnati
Reed, Thomas A.,	- - - - -	37 Cursitor Lane, London
Ritchie, John,	- - - - -	Chicago
Rockwell, Julius Ensign,	- - - - -	Washington, D. D.
Rockwell, Irvin E.,	- - - - -	Chicago
Schrader, Louis E.,	- - - - -	Wheeling, W. Va.
Sbingshaw, D. N.,	- - - - -	Simla Hills, India
Smith, Henry T.,	- - - - -	Toronto
Small, Reuel,	- - - - -	House of Representatives, Washington
Salter, W. H. Gurney,	- - - - -	26 Abingdon St., Westminster, S. W., London
Shuey, Theo. F.,	- - - - -	United States Senate, Washington
Thornton, William H.,	- - - - -	572 Magna St., Buffalo
Walch, Henry F.,	- - - - -	Grand Rapids, Mich
Whistford, Wm.,	- - - - -	Columbus Memorial Building, Chicago
Wright, William B.,	- - - - -	82 Devonshire St., Boston
Zeibig, Julius W.,	- - - - -	Dresden, Saxony

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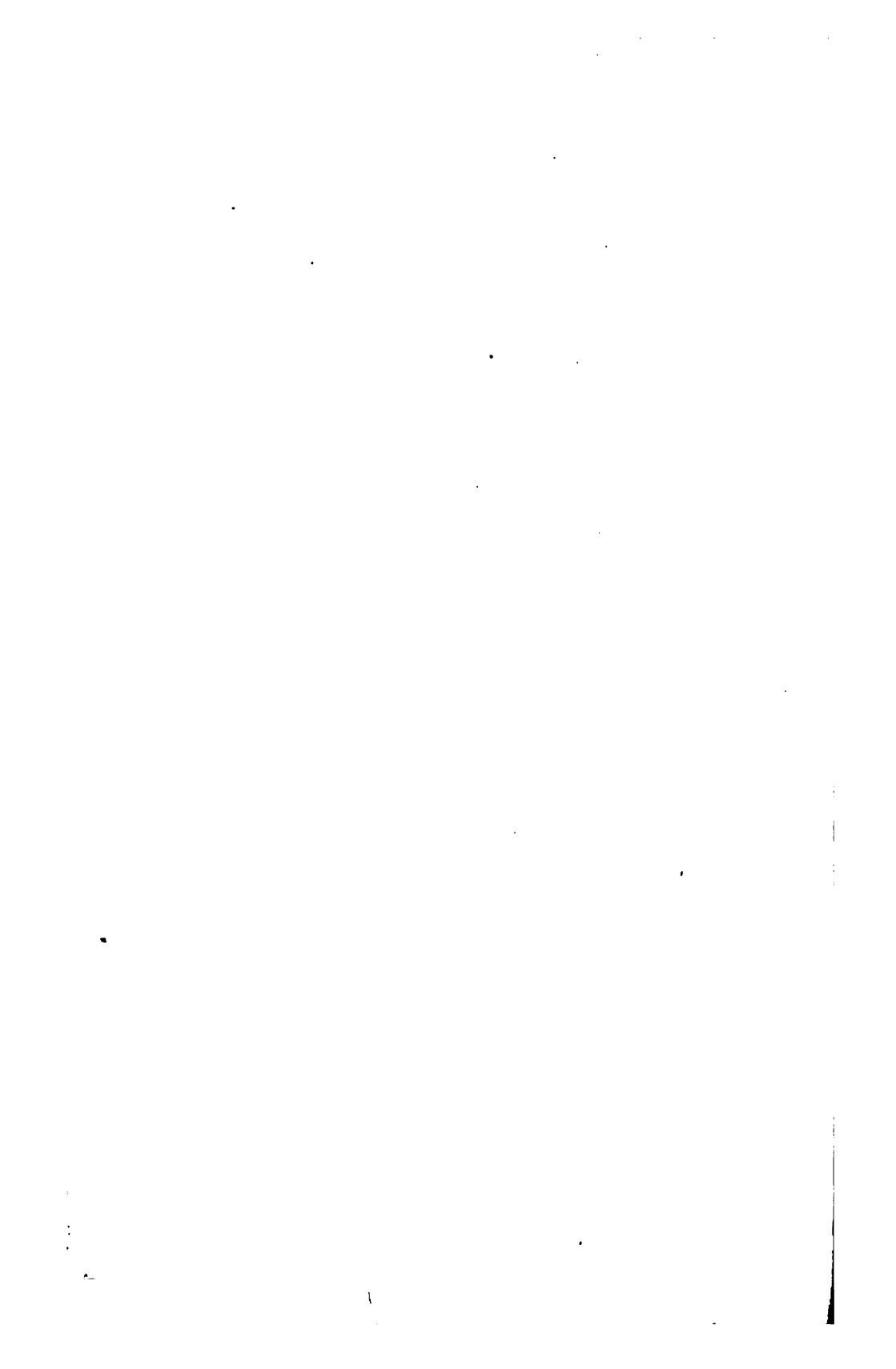
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N. Y. S. S. A.

1899.

ELMIRA, N. Y.



PROCEEDINGS
of the
NEW YORK STATE
Stenographers' Association,

INCLUDING PAPERS READ,
DISCUSSIONS, ETC.,

at the
Twenty-fourth Annual Meeting,

held in the
SUPREME COURT CHAMBERS, ELMIRA, N. Y.,

August 24 and 25, 1899.



ALBANY, N. Y.:
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The New Eng. Shorthand
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REPORTED BY ARTHUR B. COOK, WALL AND BROAD STS., NEW YORK.

N. Y. S. S. A.

TWENTY-FOURTH ANNUAL CONVENTION.

PROCEEDINGS.

The twenty-fourth annual meeting of the New York State Stenographers' Association was held at Elmira, N. Y., in the Supreme Court Chambers, on Thursday and Friday, August 24 and 25, 1899.

The following members and guests were present:

ACTIVE MEMBERS.

BEACH, HENRY L.....	Binghamton.
BISHOP, GEORGE R.....	New York.
CHAPIN, ROBERT C.....	Buffalo.
CHERRY, WILLIAM P.....	Brooklyn.
COOK, ARTHUR B.....	New York.
EMENS, ETTA A.....	Rochester.
GRIFFITH, THOMAS R.....	Rochester.
HUTCHINS, IRVING C.....	Rochester.
KELLY, JOHN E.....	Troy.
LITTLE, A. P.....	Rochester.
LOEWENSTEIN, LOUIS.....	Troy.
McLOUGHLIN, PETER P.....	New York.
MOORE, SARAH A.....	Elmira.
MURDOCK, HERBERT C.....	Elmira.
ORMSBY, SIDNEY C.....	New York.
ORMSBY, WAT. L.....	Brooklyn.
PAGAN, C. F. H.....	New York.
ROSE, THEODORE C.....	Elmira.
SOULE, HERBERT C.....	Rochester.
TELLER, CLARIBEL.....	Seneca Falls.
WHITE, CLARA A.....	Elmira.

HONORARY MEMBERS.

DEMMING, HENRY C..... Harrisburg, Pa.
 HEAD, ARTHUR..... Towanda, Pa.

OTHERS IN ATTENDANCE.

Mr. John R. Joslyn, Prof. J. W. Roberts, Mr. I. O. Crissy, Mrs. Rose, Miss Theo. White, Mrs. Murdock, Mr. and Mrs. Harry M. Clarke, Mrs. Cherry, Miss Norwood, Mrs. Packard, Mrs. Bishop, Miss Griffith, Miss Evans, Miss Disney, Mrs. Towart, Mr. D. J. Fagan.

Thanks are due to the local newspapers and their representatives, who gave excellent reports of the convention.

On Thursday, August 24, at 11 A. M., President McLoughlin called the convention to order. To the great regret of all, Mr. Theodore C. Rose, chairman of the Elmira committee of arrangements, was absent by reason of illness. The president introduced Mr. Henry L. Beach as Mr. Rose's representative.

MR. BEACH: At the request of Mr. Rose, who got tangled up in some of the Scotch phrases incident to a game of golf, a few days ago, from the effect of which he has not yet recovered, and also at the request of the other stenographers of Elmira, I take pleasure in introducing Hon. John R. Joslyn, of Elmira, who will say a few words of welcome.

MR. JOHN R. JOSLYN said:

Mr. President, Ladies and Gentlemen:

It ought to be a very easy matter to say "welcome" in the city of Elmira, for I suspect that we are not behind other cities in the matter of hospitality. But when Mr. Rose spoke to me the other day with reference to appearing before a body of expert reporters, I confessed to a sense of bashfulness. However, when the ladies joined in the request I threw up my hands.

In my day I have had something to do with stenography. The first money I earned in my life, even before I began to earn a dollar a week driving cows three or four miles a day, was in reading to a lawyer who was learning stenography. He had got up to about 35 words a minute, and thought he was quite expert, and concluded that he would have a reader; and I read to him for awhile, and I began to be interested in the mysteries of pot-hooks. The earliest of the stories that I recall hearing as a boy was about one of the stenographers, who unfortunately is not here, although he is a member of this association. This gentleman is now distinguished for his dignity. Some years ago, when he was living up the valley, — they say it was a very hot day, and there was very little doing in the village, when suddenly this gentleman was seen to dash across the main street

in his shirt sleeves, on the dead run. From there he rushed up an alley, and presently (that was his purpose) pretty nearly the whole village was after him on the run, to see what the excitement was — because to see Osgoodby go across the street on the run was an unusual thing. He was something of a ventriloquist, and when they got up the alley they found Osgoodby looking into a barrel after something or other which seemed to be squealing most vigorously, and by the time he got all the folks in town after him, he turned round, made another dive and disappeared; and they haven't found that rat yet. I used to think that if I got big enough and smart enough, I would be a stenographer, too, and see if I could be as clever as Osgoodby.

Now when I began reading law a great many years ago the lawyers used to have the law students take minutes. The only luxury in the way of a stenographer that could possibly be enjoyed by the community was the court stenographer, and of course the court stenographer is still about the cap of the climax of stenography — though I have no desire to minimize the intelligent efforts of Dr. Roberts, who is endeavoring to convert raw material into practiced experts. But when (the sense of weariness has not yet departed from my fingers and my bones) I had to take in longhand, eight hours a day, the testimony — of course the referee could jab down almost anything, and it went; he took down his own notes, and he would guess at what the testimony was, from what he had down; but the man who took notes for the parties had to have it pretty nearly right; and I have had to thank the Lord most profoundly that the profession has come in, with some other good things.

We used to be somewhat primitive in those days. I remember that in an office in which I was, which did the largest business, probably, in this county, I asked the head of the firm, one day, if he had any objection to my sweeping the office out twice a week instead of once a week; to my great pleasure, and somewhat to my surprise, that consent was rather reluctantly given. I remember the time when there wasn't any stenographer.

Now I think it is the stenographer that has transformed the law office into such a delightful and beautifully kept place as law offices are. All the other improvements have come along in modern days, in the last thirty years, through the widespread introduction of stenography. I do not care to take the time now to state — you know it better than I do — that pretty nearly everything that is good in society now is because of the development of stenography.

And so, as the representative of the local membership, it is a very great pleasure to me to extend to you the right hand of welcome. If any of you get tired of these proceedings, I have

no doubt that Mr. Murdock or Dr. Roberts or Mr. Clark, or some of these gentlemen here, will take you over to the tropical gardens; or, if you need any reformation, they will take you over to see Mr. Brockway; or you can pay a visit to the law library — all stenographers are passionately fond of law libraries; you might amuse yourselves there. And if you really want a good time, come down to the *Advertiser* office, and we will show you some things there which are of interest. At any rate, ladies and gentlemen, I am sure that, speaking for the local membership, your presence here is an honor to the city. It is regarded as a distinction. I do not remember how many years it is since this association has met in this city. I do not know that it ever before met here. At least I do not recall it. But at all events, we are glad and we are proud to have you here. Our citizens would be here in large numbers if they understood that your meeting was public. They are interested, not especially in your work, but in *you*, and interested as citizens in showing their interest by being present. A good many have spoken to me. We have had telephone calls in our office asking if the public would be admitted. They simply want to show you that hospitality which abounds in this community to such a degree that they would be glad to extend to you any hospitality and any courtesy that you would be pleased to receive. We wish you to enjoy yourselves. If there is anything that any of us can do while you are here, we shall be very glad. I hope that your proceedings will be very pleasant and fruitful of good results. The main tone of what you are after is right.

I want to approve utterly (and when we approve utterly, of course that settles it) the proposition that the stenographer should be licensed. That is, I believe now the time has come when a good many things ought to be subject to examination, in various lines. I do not mean that there should be exclusion of the worthy from any field of labor, but I do say that those who offer their services to the public ought to be tested and ought to be certified. We certify the school teachers, the lawyers, the physicians, and the ministers. They would certify the editors, if they dared. But I do think that men who hold themselves out for skilled services, and are entitled to the wages of skilled workers, ought to be certified in some way to the public, both as to ability and as to character.

I want to say another thing. I have had experience as an officer of the courts, and as a lawyer, and as a newspaper man, for more years now than you would believe; but I have never known an instance where a stenographer has been led by bribery, by threats, by cajolery, or by any other method, to alter his or her minutes. I have seen it tried more than once. I never knew a stenographer who could be bought, bribed or

scared into altering the minutes at the request of one side. If they agreed upon it on both sides, of course that is another thing. But you know better than I what temptations there are in the way of fixing the minutes sometimes with one little word which is very vital and very material on one side or the other. I do not know any body of workers who are more trustworthy, who have a higher *esprit de corps*, who have a higher sense of the duty of their profession, than the stenographers. Your influence is so great as official stenographers that in the private offices it is getting to be a matter of pride to have the minutes right, and when you have put them down to stand against all attempts to change them.

I welcome you again, ladies and gentlemen, and extend to you the most cordial greeting of the people of this city. (Applause.)

The president calling upon Mr. George R. Bishop to respond, Mr. Bishop said:

Mr. Joslyn, and Elmira's who are present:

I wish to say that this association has one great distinction. I know of no other body that is or ought to be so distinguished, in one way. It has a habit — (and I have an experience impressed on my mind one year ago and two years ago) — of discovering, about ten minutes before a meeting is held, that somebody is to welcome the association, and of calling upon somebody to reply, upon a few minutes' notice. At Syracuse I had two minutes' notice; at Albany, a year ago, I had one. This time I had no notice whatever, except that, just as you were rising to your feet, it was stated to me that it would be entirely appropriate for me to respond to your speech.

It is certainly inappropriate on this occasion, because we have in the chair, as president of this association, one of the eloquent men and witty men of the city — the man who has reported the Carlyle Harris trial, the Buchanan, and some of those great murder trials. Once in a while witticisms crop out, even in such cases; great forensic appeals are made in them; and there is nobody else that I know of who could make a response so interesting as our president, especially in a court house or in the vicinity of a court house, the associations of which ought to give him a "home" feeling, and to inspire him, if only by the force of example, to the doing of great feats, in force of expression, flights of imagination and elegance of diction.

But it is certainly very agreeable to me — or would have been, if I had had sufficient notice, so as to be prepared otherwise than by two or three suggestions thrown out by your own remarks — it would be very agreeable for me to respond in this city of Elmira. The valley, in which I have traveled from time

to time, has impressed me with its beauty and its fertility; and when Mr. Rose, who we all regret to know, is ill, and cannot be with us this forenoon — when Mr. Rose came down from Ithaca, the great college town, and Norwich took up his residence in this part of the Susquehanna valley, I found that the more I saw of your valley here, from Watkins and Canandaigua on the north to Elmira and some parts of Pennsylvania on the south, the more was I impressed with its beauty and its fertility, its picturesqueness, and everything that might make it desirable as the chosen home of swift writers and eloquent lawyers.

We have had men of distinction in stenographic ranks from this Southern Tier. The first stenographer from the western part of the State that I ever heard of was Mr. Osgoodby, who then lived at Hornellsville. And Mr. Wyckoff was at that time in Ithaca. Both, as I understand, were very near neighbors of yours. Each of those cities is nearer Elmira than Rochester. We learned to appreciate Osgoodby many years ago. I am delighted to hear that he is coming down to-day. I have always cheerfully admitted how thoroughly I appreciated Mr. Rose; and I have always had a great appreciation of Mr. Wyckoff. Mr. Wyckoff, of course you know, relinquished, a great many years ago, his reporting as an official of the supreme court in the sixth district, and became engrossingly interested in something which had a remarkable development, the Remington typewriter; but to the day of his death he remained a member of this association. We made him president of it, many years ago. He remained loyal to it; and when, before we had so large a membership of prompt payers, and when, from time to time, there was a deficiency, Mr. Wyckoff was always ready to respond.

To go a little further east, on the Southern Tier, if Mr. Beach were in my place, and would only start on one of those excursion of fine anecdote and reminiscence of which he is capable, this whole valley, if there were only enough people here, would echo, and this room would echo, with the laughter which would be provoked by those witty sayings. I hope you can get him on his feet after I sit down. He ought to have gotten up first. I would gladly yield to him.

Your appreciation of the stenographer is very agreeable to all who are present. Many of us who at one time took but slight interest in the question of licensing stenographers, take more interest in it now. At one time I had great question as to whether it were politic for the profession to undertake to have a statute of this sort passed or not. I think now, if we begin in a modest sort of way, — if we do not ask for much, to begin with, but begin as the druggists began, and many others, asking for a little, and go on from that point, — that a great deal may

be achieved. I don't know how rapidly it can be done, but I have an impression that a great deal will be done, if we take time and are content with slow progress. I doubt if all we want can be had at the beginning; and a great many people other than stenographers have discovered that you can't always get the whole loaf to begin with, and that, if you cannot, it were better to take the half rather than not any at all.

I am rather disabled from making any elaborate response to these remarks this morning, because I have just come up from the state of Pennsylvania. I have only just emerged, day before yesterday, and got merely as far as Williamsport, out of the coal dust of Pittsburg. I saw a great deal of Pittsburg which repaid me for the coal dust, but I got the dust, nevertheless. And so I came up through the beautiful valley that lies between the west branch of the Susquehanna and the Chemung.

Another thing I observed—which made certain things pertaining strictly to Pennsylvania clear, that had not been so before. When I saw those fields of Pennsylvania—those beautiful valleys touched with emerald greens amid the gold of yellowing harvests—I was perfectly satisfied that a reason existed for all the effect that I had observed on the Pennsylvania stenographers. We expect two of them here to-day. But if Demming, of Harrisburg, and Head, of Towanda, exhibit a continual progression towards perfect health;—if, during the last twenty years during which we have known them, they have become a little less acrid and a little more suave and urbane,—the beautiful plains and the harvests of Pennsylvania would fully account for it. To live in a land of luxurious plenty must be a great blessing to all. When they come I hope you will all take note of their plethoric condition. They are very good; and consequently they should be on your list as happy looking men. I see that Mr. Joslyn is also a well and happy looking man; and therefore I conclude that a man who is a lawyer and editor, who has had such intimate relations with stenography, and who, in the early days of stenography, started in that humble way, earning his first money thus,—I think that a man of that wide and large experience might reasonably be expected to exhibit that plethoric condition which he does.

I have no worse wish for Elmira than that not only Elmira generally may exhibit that healthy physical condition which we strive for as a great desideratum, but that they may all exhibit that brilliancy of intellect, that solidity of reason, when those qualities are required, and that geniality which the orator who has welcomed us to-day has exhibited in such abundance in our presence this morning.

On motion, it was resolved that the reading of the minutes of previous meeting be omitted, the same having been already printed.

The president delivered his annual address, as follows:

THE PRESIDENT'S ADDRESS.

This is the first meeting of our association ever held in the beautiful city of Elmira. Our members have evidently had an affection for this part of the state, as in the early years of our existence two meetings were held in adjoining counties, one in 1877 being held at Ithaca, Tompkins county, in the office of the lamented Wyckoff, whose name will live as long as the type-writing art continues, and one in 1883 being held at Watkins, Schuyler county, a place which we all hope to visit ere we leave the southern tier. Watkins Glen must be an inspiring spot, and meetings of this association held in this vicinity must make lasting impressions on visitors. One gentleman, a newspaper man, attending that meeting in 1883 at Watkins, wrote his impressions of our meetings, and as they seem appropriate even after the flight of sixteen years, I venture to repeat them: "The association is convened; we look upon the faces and receive cordial greeting from well-known experts. We find them really men, men of the genuine stamp. We expected more, but not better men. The very valuable papers presented so impressed us that we felt like pounding every absent member. That papers of such research and extent, so interesting and valuable, should be delivered to a mere fraction of the association seems pitiable and reprehensible in the extreme. Such papers deserve the dignity of an audience, and the members who have by patient research and reflection developed them deserve as much and more. There should be some means of compelling a full attendance of the members at these annual meetings.

"There are doubtless in this as well as in all other professions some who follow it simply and chiefly for the dollars which it provides. If their first visit to the association does not demonstrate to them that it will in some way add to their efficiency, or in some other way conduce to put money in their pocket, of course their seats at the association will ever remain vacant.

"If all stenographers would but interest themselves in the work of the association, and post themselves on the best measures demanded for the welfare of the craft, and concertedly and intelligently work for these ends, legislation instead of being generally adverse to the interests of the profession might soon be relied upon to elevate the status of the art to a uniform and just level."

Elmira, I believe, is principally noted as being the home of Mr. Rose, the Nestor of our profession. It has also given two illustrious governors to the Empire State, and is said to be the abiding place of a number of unsolicited acquaintances of mine, who were sent here for the benefit of the great city, and who are fortunately so situated that they can do your beautiful city no harm.

A vigorous attempt was made at the last session of the legislature to have the proposed act for the licensing of stenographers passed. We did not meet with much success, owing to the strong opposition of the bar of the state. It was my pleasure to attend before the assembly committee, in company with a representative number of the profession, and we were accorded a fair hearing. We contended that the Empire State was the leader in all progressive movements; it was the first state in the union to pass an act for the employment of stenographers in the courts. On April 16th, 1860, the legislature of the state authorized the appointment of stenographers in the courts of the first judicial district; every year since that time some statute has been enacted for the perfection of stenographic work in the courts, regulating the duties, the privileges and the compensation of stenographers. We urged upon the committee the necessity of extending some measure of protection to that quasi-official, unknown to the law, the shorthand writer who does work before referees, commissioners and notaries. We claimed that the bill did not interfere with the rights or privileges of the legal profession, notwithstanding the bombastic utterances of a certain member of the bar, who stated at the meeting of the State Bar Association that the bill was for the purpose of forming a trust; that "it was vicious from top to bottom, inside and out, through and through," and that "it ought to be taken by its four corners, torn to pieces, and scattered before the wind." There certainly would not be much left of our bill if the lung power of some wind-jamming lawyer was to supply the propelling force which would send it to eternal perdition. We asked the legislators, who were lawyers, if they favored accuracy or inaccuracy in the stenographer's report of their words before a referee. We contended that the work of the incompetent stenographer had resulted in harm and injury to litigants, and related many instances. We brought the matter home to the committee by saying: "Imagine one of you gentlemen eulogizing a deceased member on the floor of the assembly, and saying, 'The inscrutable providence of God has seen fit to take our friend away,' and the incompetent, inaccurate reporter having you say, 'The unscrupulous providence of God has seen fit to take our friend away.'"

We further contended that it was against the policy of the

state of New York to allow physicians to prescribe for patients unless they are licensed; lawyers cannot take a retainer unless they have passed the required examination; dentists cannot put you through agony and torture unless they have satisfied the state of their skill at the torturing process; horseshoers violate a section of the penal code if they attempt to shoe your horse without being qualified; and undertakers cannot bury you when you are dead without having received a license from the State Board of Embalmers. Even the bricklayers, the masons and the plumbers are required to go through an apprenticeship before they can work at their various occupations. But "any old thing," or young thing, the younger the better in many instances, will do for a stenographer.

Since these statements were made before the legislative committee, convincing as they seemed to us, we now find that next year we will have to take a position in the rank of professions beneath that of the Italian gentleman who blacks your boots for a nickel, and is required by his boss to ring up on a bell punch for each shine. As I am credibly informed, the boot-blacks of the city of New York have organized an association for the protection of their interests, and intend applying to the august legislature of the state for the passage of an act which will provide, among other things, that no persons can black boots unless they have proven their qualifications to give you a looking-glass polish before a competent board of examiners.

Although we were unsuccessful in accomplishing our object at the last session of the legislature, we are neither cast down, discouraged nor dismayed. We will try again. The missionary work, which was so ably done during the last session of the legislature by the members of the New York City Law Reporters' Association, we trust will bear good fruit at the next session. It remains with this association to take up this matter with more enthusiasm than it displayed last year. I have no patience with the man who, when you suggest this proposition to him, says, "That's a good thing, old man, I am with you, go ahead," and then, as soon as your back is turned, runs as fast as he can in the other direction, and does nothing to help the cause. Then there is the easy-going, extremely cautious and careful individual, who advises you not to tickle the cow or she may kick and spill the pail of milk; but all the time the old cow is kicking anyhow and spilling the pail, and you are doing nothing to prevent it. When the pail is finally overturned, and the milk has become green cheese, then the fellows who ran away will be the very ones to exclaim, "Something should have been done to that cow."

The old adage applied to the office-holding class, that "Few die and none resign," is particularly true of the stenographic

profession. During the past year we have lost none of our members through death, and up to the present moment, after a careful scrutiny of all the stenographic magazines, and exhausting many other sources of information, I believe I can truthfully state that none have voluntarily resigned. If the excellent suggestion made by the veteran Bigelow, and printed in our proceedings of last year, for the pensioning of officials who have served upwards of twenty years in the courts, had been adopted, many of the older men would have stepped out, and their places would have been taken by a new generation of equally efficient and energetic phonographers. This matter was treated lightly at our meeting last year, because of the press of more serious business. It could, with great justice, be now considered and put in such shape as it might properly be presented to the legislature.

There has not been a great addition to our membership during the past year, as the field of eligible members has been pretty nearly exhausted in the effort made by your officers during 1897 and 1898. We have now more than one hundred members in good standing; our association is on a firm financial basis, and we are hopefully looking forward to even greater success in the future.

In the month of June last a gentleman holding a high position in New York city, a member of our association, but not now actively engaged in stenographic work, called my attention to the fact that the examinations for the position of municipal court stenographer, held by the Municipal Civil Service Commission in New York, were unfair to the candidates; that favoritism was shown in some particulars; that the test required was too severe, and that many of the candidates had difficulty in hearing and understanding the words of the examiner. Your president wrote a letter to the Hon. Charles H. Knox, president of the Civil Service Commission, calling his attention to these facts, and offering, if agreeable to him and the other commissioners, to prepare a fair scheme of examination for shorthand writers. A courteous letter was received from Chief Examiner Ireland stating that he would be glad to confer with me, and any others in the profession, and if I would prepare what I considered to be a fair scheme of examination he would give it his very best attention. In conjunction with three members of the association, who had vast experience in shorthand work, some suggestions were prepared and presented to the examiner, and he said he regarded them as excellent, and promised when the time came to prepare the next examination he would carefully consider them. We called the attention of the Civil Service Commission to the fact that section 124 of the Greater New York charter, relating to the municipal civil service, provided among

other things that "such examinations should be practical in their character, and should relate to those matters which will fairly test the relative capacity and fitness of the person examined to discharge the duties of the position to which they seek to be appointed."

We contended that in an examination for municipal court stenographers tests should be applied which would show that the applicants could write shorthand rapidly, not involved technical matter, but such matter as they would meet with in their daily work. We suggested to the commission:

(1.) The necessity of a reader with a clear voice and distinct enunciation, in order that the candidates might not fail by reason of not having heard all the matter dictated.

(2.) The candidates should as far as possible be given equal opportunities for hearing.

(3.) A test of one hundred and fifty words a minute, for five minutes, of solid matter, taken if possible from an opinion of the appellate division, in some case which had been tried in a district court.

(4.) A test of one hundred and seventy-five words a minute for four minutes of testimony taken, if possible, from a case involving such matters as come up in the district courts.

(5.) Some general examination to show the candidate's knowledge of English, spelling, punctuation, grammar, etc.

(6.) Leaving out of the examination examples in arithmetic. A person may be an exceedingly rapid and accurate shorthand writer, and have a good general education, and yet might fail on some of the simplest problems in mathematics.

(7.) The general accuracy of the work done by candidates should be considered more than the typewriting work, as most stenographers, many of them very expert, dictate their notes to others, and may not be proficient typewriter operators.

We assured the commission that these suggestions were made with no idea of lowering the standard of official shorthand writers, or of making the examination an easy one, as it was the aim and object of our association to do everything possible to raise the standard of official shorthand reporting.

Among those in the profession who have given attention to civil service examinations one conclusion seems irresistible, and that is that an expert stenographer should conduct the shorthand part of the examination. Some determined effort should be made by this association to bring about such a result as a matter of justice to shorthand writers.

The war with Spain is over. The matchless valor of our soldiers and sailors has challenged the admiration of the world. Stenographers were not missing from the ranks when the hosts of volunteers marched to the front. And after the war,—

what? A war inquiry board was appointed by the president to investigate the conduct of the war. Several prominent stenographers in the country sought the stenographic work of the board. One gentleman, a member of our association, went to Washington with very influential backing from this state, to endeavor to secure the work. He was informed that none but employees of the war department would be allowed to do any part of it. It became necessary as the work of the board progressed to seek additional stenographic help. Instead of communicating, for instance with the president of the N. Y. S. S. A., asking him to recommend competent men, the agents of the war department procured three or four young men (some of whom were unable to do accurate amanuensis work,) at the munificent compensation of \$125 per month, to report the important testimony taken before this national investigation in which the entire country was deeply interested. The result was that the proceedings as transcribed by these incompetent reporters were so full of blunders that it was a matter of comment in the public press. One of the young men who went from New York city acknowledges that at times he was unable to keep up with the witnesses, and on one occasion left out the greater part of a physician's testimony which was unintelligible to him. The national government should at least set the example of employing competent help and paying the established rate for expert work. This, however, is a matter which should more properly come before a national association of stenographers and some action taken. I am informed that a movement is on foot, and in fact a meeting is this week being held in Chicago for the purpose of organizing such a body. If possible we should endeavor to have this association represented by delegates in the national association when it is finally formed.

Before this meeting closes I shall have turned over to my successor the duties of the office which I have held through your kindness for two years. I desire to express my sincere and heartfelt thanks to each and every member of the organization for the support they have always given me; particularly am I under the deepest obligations to the older members of the association, whose kindly aid and constant advice has enabled me to carry out the work of bringing the association up to its present high standing. I shall bespeak for my successor when he is chosen a continuance of the same support and courteous treatment, as, without it, no individual member can hope to accomplish anything for the general good of the profession at large.

JOHNSTOWN.

I realize that I am missing much by not attending the annual gathering of our members, and I suppose that I have justly earned their reproaches for my dereliction. It does seem, however, that I am prevented each year, by one thing or another, from being with you, and this year is not to be an exception to that rule. I met a number of "the boys" at Albany last winter before the committee on the licensing question; and if they are a sample of the members of our association (with whom my personal acquaintance is limited,) I know full well that I am a great loser by absenting myself from the meetings. I trust the meeting will prove profitable in every sense of the word.

H. W. THORNE.

CALCUTTA, INDIA.

I see that the subject of "The Licensing of Law Reporters" is to be discussed again. I have been delighted to see that my friend Mr. G. R. Bishop will have the pleasure of opening the discussion, and I look forward with great interest for his opinion on the matter. Some day or other I shall be with you at one of your yearly conventions. It is, you will admit, a difficult task to leave this country at this time of our life. We have after all got a Stenographers' Association in Calcutta, which, although in its infancy, will in time be a very powerful body in ventilating all subjects relating to shorthand. I shall probably send Mr. Bishop a paper about the present state of stenography in India for the next convention.

Please note in the proceedings that I regret my inability to attend.

D. N. PAL.

CINCINNATI.

Accept thanks for your friendly invitation to attend the annual convention. Though I cannot be present with you in body I shall be in spirit, and most certainly trust that your deliberations will tend to strengthen your union and add efficiency and dignity to the profession. I beg the liberty of sending my special regards to the lady members of your association. I am reminded of this pleasure and duty by the fact that I have this day prepared—and I think for the first time in my life—teachers' certificates for three successful lady applicants. All of the members of your association may not know that the scientific, theoretical and practical tests in phonetic knowledge and phonographic practice necessary to obtain an American teachers' certificate are quite severe; in comparison with which the English teachers' certificate may be obtained by tests which may be correctly termed "slipshod." When I left England in 1852 there was not a single professional lady teacher of phonography or a professional lady shorthand writer in all England, and few, if any, in this country. Think of where we stand to-day, with our tens of thousands of skilled lady writers and teachers of the art,—a fair and glorious army, whose services are a necessary adjunct of to-day's civilization, and without whose aid man *alone* would be utterly unable to carry on the world's work.

With respect and best wishes,

BENN PITMAN.

NEW YORK.

I have infinite confidence in the ability of the members of the association to consider with perspicuity all questions that may come before it for debate, and certainly none can be of more importance to the profession than the consideration of some recognized authority by which applicants for positions as stenographers in our courts of law should be vouched for. I hold that there is no profession recognized by the civilized world that demands as much general information as that of the profession of a law stenographer. It is therefore a duty devolving upon the convention to do all it can to elevate the profession to its required standard. Not only is it a duty it owes the state, but it is a duty it owes individual litigants, for it is safe to say that a great number of appeals in suits at law are caused by the inaccuracies of uneducated stenographers.

There are many other suggestions that might be appropriate for the consideration of the convention, many of which no doubt shall be brought before it, one of which is unity throughout the state by which we can induce favorable legislation. Another is to instill into the minds of the profession a proper dignity as becoming their learning and calling. Many and many a time, during the last 31 years of my official duty in the court to which I have been and am attached, have I caused the crestfallen faces of illiterate lawyers who said in a haughty tone, "Why, you stenographers make more money than we lawyers," by the rejoinder: "Why, you poor creature, you should have endeavored to obtain even a superficial knowledge of the language in which you are endeavoring to convey your incoherent thoughts before you aspired to be a lawyer; you never could qualify yourself for the position of an official stenographer of a court of law."

I flatter myself that I have to some extent been the means of having other professions respect the profession of which I am an humble member, and which is, in my opinion, inferior to none, but infinitely superior to the majority. Compare the duties devolving upon a court stenographer with those devolving upon a physician, a surgeon, a lawyer or an engineer. The comparison would be very flattering to the stenographer and very humiliating to the other professions.

The skilled stenographer is very much underpaid throughout this state. I know secretaries in certain departments in this city who receive \$5,000 a year, whose mental equipment consists of an inferior knowledge of English grammar and the rule of proportion, one hundred thousand of whom could be obtained here every day in the week, while it is doubtful if forty competent stenographers could be obtained.

Wishing you great success and a happy time.

FARRELL F. O'DOWD.

The secretary and treasurer presented his annual report, as follows:

REPORT OF THE SECRETARY AND TREASURER.

To the Officers and Members of the Association:

I beg to submit my annual report, as follows:

RECEIPTS.

1898.	
Aug. 26. From Kendrick C. Hill, treasurer....	\$106 92
1898-9. Dues from 100 active members for	
1898-9.....	300 00
Donation from A. L. Woodward.....	3 00
Sale of proceedings of '98.....	2 50
	<hr/> \$412 42

EXPENDITURES.

Peter P. McLoughlin, president, expense of sending circulars last year (bill approved by committee).....	\$25 00
Arthur B. Cook, secretary, reporting convention (amount authorized by resolution).....	50 00
Albert Brandt, printer, for official letter-heads..	6 25
Post Printing Office, cards of invitation.....	5 00
Weed-Parsons Printing Co., Albany, printing proceedings of '98.....	261 12
President McLoughlin, expenses in sending copies of proceedings to prospective members, etc.....	7 00
M. Jeanette Ballantyne, librarian, for postage, cartage, etc., on proceedings.....	20 74
Mimeographing and clerical work in issuing circulars, etc.....	11 72
Postage.....	11 52
	<hr/> \$398 35
Balance in treasurer's hands.....	\$14 07
Balance in librarian's hands.....	3 74
Total balance cash on hand.....	<hr/> \$17 81 =====

ACTIVE MEMBERSHIP OF THE ASSOCIATION.

Total number active members enrolled.....	145
Total number who have paid dues for 1898-9.....	100
Total number of members who have not paid dues.....	45 =====

Letters received from many sources indicate that a keen interest is taken in the proceedings of this association, not only by the active and honorary members, but by persons in many

directions, outside of our own organization, and in places far distant from the state. The proceedings of the last convention attracted wide notice and much favorable comment.

During the year friendly communications have been received from members of other shorthand organizations. Among these we would mention especially the National Association of Stenographers, the New Jersey association, the Chicago Association of Law Reporters, and the Seattle Stenographers' Association.

Of course, a cordial fellowship exists between this body and the Law Reporters' Association of the City of New York. There is reason to think that the work done last winter by those two associations in conjunction was a good beginning toward a valuable result, which we hope may be attained at a day not far distant.

ARTHUR B. COOK,

Secretary and Treasurer.

The report of the librarian was read, as follows:

REPORT OF THE LIBRARIAN.

We are again assembled in our annual gathering. Standing upon the threshold of the departing century our thoughts naturally wander, and voices long since hushed come back to us.

"When memory with slow, uncertain fingers
Awakes anew the echoes of the past,
Some keys there are on which her touch long lingers—
Some trembling chords, that vibrate to the last."—

We meet again in joyous accord, and trust that this occasion will not lack that interest, fervor and whole-heartedness that have characterized its predecessors.

The librarian begs leave to report that she has received from the printing committee three hundred copies of the proceedings of 1898. She has reserved two copies for our library; she has mailed one copy to the librarian of congress for the Congressional Library; the New York State Library has received one copy at the hands of the printing committee, and has mailed copies to the members, both active and honorary. The printing committee has added to the reserve supply fifty copies of 1897.

Additions to the library are as follows: Donated by Mr. W. Philip Steinhäuser, of Allentown, Pa., a biographical sketch of Thomas Towndrow and a copy of the proceedings of the first annual convention of the International Association of Stenographers; donated by Miss Helene L. Réche, of Rochester, the "Elements of Phonography," by Andrews and Boyle. One of the authors taught a class in Rochester many years ago.

The librarian had planned to number the books in the library and to prepare an up-to-date index of the same, but illness prevented.

EXPENDITURES.

Freight and cartage.....	\$1 22	
Envelopes.....	1 75	
Postage.....	19 15	
		<hr/> \$22 12

CREDITS.

Received of secretary and treasurer for postage to mail proceedings.....	\$16 00	
Sale of proceedings.....	1 00	
Dues of librarian.....	3 00	
Balance in librarian's hands from 1898.....	5 86	
		<hr/> 25 86
Balance on hand.....		<hr/> \$3 74

Proceedings addressed to the following members have been returned undelivered:

J. F. O'Reilly, Harry W. Wood, James Nugent.

The problem still remains unsolved in regard to the "reserve supply." If the librarian could furnish complete sets of proceedings she could make many sales. Continual calls are being made upon her to furnish copies of proceedings for the earlier years of the association, which she cannot supply. Why not reprint them?

Faithfully submitted.

M. JEANETTE BALLANTYNE.

ROCHESTER, N. Y., *August 23, 1899.*

Mr. GEORGE R. BISHOP: I move the acceptance of both reports. I wish especially to commend what has been done by some one in the way of including the extracts from the proceedings of the Bar Association of the state. It seems to me it was exceedingly important that those extracts be presented, giving to us, as members of this association, what many of us were not aware of — what many of those members of the bar had said concerning the proposed legislation in the interest of the stenographic fraternity, which might place them on a par, at least, with the plumbers and other erudite gentlemen of the city of New York and other towns of this state. There is one speech, I think by Mr. Cookinham, or some such name — a man living out in pent-up Utica — that inspired me with more determination to labor to the best of my ability for the passage of some sort of legislation, if for nothing else than to rebuke the effrontery of a man who does not know, lawyer though he professes to be, the difference between a typewriter operator and an expert shorthand writer. I think whoever decided on including those extracts has done a distinctly good thing for all of us, and especially for those who are interested in the proposed legislation to which I refer.

[For the plan above referred to, and for its successful execution, the association is indebted to Rodgers, Ruso & Kelly, of Albany. — Sec'y.]

Motion seconded and unanimously carried.

The following gentlemen were proposed for active membership:

By Mr. Sidney C. Ormsby: Charles P. Young, New York; Willis Van Valkenburgh, New York. By President McLoughlin: John G. Farrell, official stenographer of the municipal court for the borough of Richmond, New York city; Dudley J. Fagan, stenographer to the bureau of street openings, corporation counsel's office, New York city.

The PRESIDENT: Mr. Fagan is a gentleman whom I know personally, and for whom I vouch as in every way qualified for membership. He now stands at the head of an existing eligible list in the civil service examination, and I have no doubt that he will have some views to present on that subject, when it is discussed, which will be of value to us all.

Mr. SIDNEY C. ORMSBY suggested the propriety of sending congratulations to the committee then engaged in forming the National Association in Chicago, and moved that the secretary be instructed to send such congratulations during the noon recess.

Mr. BISHOP: I would like to second that motion, especially as, by persuasion, I consented to be the chairman or vice-chairman for the Middle States, of that new association. But, of course, coming to the State Association, I could not go to their meeting. I appreciate that it is an association in which especially the western and southern members of the profession are greatly interested. They hope to accomplish a great deal by it, and I think we ought to give them the heartiest congratulatory message that we can.

The motion was unanimously carried.

The following telegram was sent:

ELMIRA, *August 24, 1899.*

New York State Stenographers' Association, assembled here, greet National Stenographers' Association. Best wishes for success new association.

PETER P. McLOUGHLIN, *President.*
ARTHUR B. COOK, *Secretary.*

The membership committee reported favorably on the names proposed for membership, and Mr. Bishop moved that the rule in reference to examination be waived in the case of the present candidates, and that the association proceed to a ballot. Motion carried.

Mr. WAT L. ORMSBY moved that the secretary be instructed to cast the ballot of the association in favor of these candidates. The motion was carried, and the president declared Messrs. Young, Van Valkenburgh, Farrell and Fagan duly elected.

The PRESIDENT: The chair will take pleasure in presenting Mr. Fagan to the ladies and gentlemen of the association.

Mr. FAGAN: Your president has been good enough to vouch for me. I am not in the habit of addressing audiences. If I may now be excused I will have a few words to say later with regard to the civil service examination.

A letter addressed to the secretary by the secretary of the Bureau of Conventions and Industries, of the Buffalo Merchants' Exchange, was read, as follows:

BUFFALO, N. Y., *Aug. 2, 1899.*

It is the earnest desire of the organization which I have the honor to represent, viz., the Bureau of Conventions and Industries of the Buffalo Merchants' Exchange, to induce as many representative bodies of this country as possible to select Buffalo as their convening place in the near future. With such an object in view, I take the liberty of addressing you at this time, hopeful that the organization which you represent may be added to the list of desirable gatherings which we are to entertain during the coming two years. We feel that the Bison City's permanent attractions, her delightfully cool summer temperature, her beautiful streets and homes, her unsurpassed transportation facilities, her large and conveniently arranged convention halls, her close proximity to the great cataract of Niagara, her great number of near-by resorts, etc., entitle her at all times to recognition as the ideal convention city of America. But in addition to these many important features, conditions which will prevail in 1901 will make Buffalo a particularly desirable gathering place for that year. Two years from now the great Pan-American Exposition will be in complete operation; here will be the centering place of all Americans, all American institutions and all American interests. Scores of important business, fraternal, social and other organizations have already resolved to meet here in 1901, regardless of the fact that an intervening annual meeting yet remains to be held. It would afford us extreme pleasure to have similar action taken by the State Stenographers' Association.

Will you kindly convey to your officers and members our most cordial invitation to convene here during the Pan-American year. I can assure you that no effort will be spared by our business institutions and our citizens to care for and entertain you, should you honor us by becoming our guests.

Hoping this may receive your favorable consideration and result in your grasping Buffalo's hand of welcome in 1901, I am,

Very respectfully yours,

CURT. M. TREAT,

Secretary Bureau of Conventions.

The president appointed the following committees:

On place of meeting: Wat L. Ormsby, Sarah A. Moore, George R. Bishop.

On nomination of officers: Louis Loewenstein, Henry L. Beach, Etta A. Emens.

The PRESIDENT: Some time ago Mr. Osgoodby, of Rochester, suggested that it would be interesting, at a convention of

this sort, to have an exhibit of the manner in which shorthand writers, and particularly court reporters, get out their notes, and I endeavored, during the past few months, to get an exhibit from each of the judicial districts of the state. I have succeeded in some measure, and I have here exhibits from Mr. Ormsby, of the second district; Rodgers, Ruso & Kelly, of the third district; Mr. Law, of the fourth district; Mr. Osgoodby, of the sixth district; and also a sample of some of the work such as we do in our court of sessions.

At their convenience those who are present can look at these exhibits, and some may have suggestions to make. Mr. Sidney C. Ormsby, I believe, has some suggestions to make in regard to uniformity in getting out shorthand transcripts.

Upon motion, a recess was taken until two o'clock.

FIRST DAY, SECOND SESSION.

The president, upon calling the meeting to order, read the following telegram:

CHICAGO, ILL., *August 24, 1899.*

PETER P. McLoughlin, *President*: The National Shorthand Reporters' Association sends most cordial greeting to your association, with hearty invitation for you to affiliate with us.

KENDRICK C. HILL, *Prest.*
J. D. CAMPBELL, *Secy.*

The PRESIDENT: Inasmuch as we anticipated this message by sending a dispatch at recess, I suppose that no further action is necessary on the matter. If you wish to take up the question of affiliating with the National Association later you may do so.

Mr. BISHOP moved that the subject be tabled for the present. Seconded and carried.

The following letter was read:

DRESDEN, SAXONY.

A. B. COOK, *Sec'y, etc.*:

DEAR SIR. — I send you herewith through the book post the supplements just published to my "History of Shorthand Writing" you have in the library of the association, as an addition to the library, hoping these new contributions to the history of our beloved art shall be welcome and interesting to the visitors of the library.

Respectfully yours,

HOF RAT PROF. DE ZEIBIG.

The PRESIDENT: I have the "History of Shorthand Writing." It is in the German language, and later on I will ask Mr. Wat Ormsby to read selections from it.

THE PROPOSITION FOR LICENSING LAW REPORTERS.

The PRESIDENT: We are about to take up the licensing question, and Mr. Sidney C. Ormsby will have the floor. In introducing him, I can say, as I said last year, that for the energy which he has displayed, and the nights and days which he has spent, for the last year, in the effort to bring about his pet hobby, he deserves the thanks of the stenographic profession of the state, and if he makes any suggestions as to how this association could co-operate with his association, I hope they will be received in the spirit in which they will be meant, because Mr. Ormsby has nothing at heart except the best interests of the stenographers of the state of New York.

The following letter, from Mr. Frank W. Pettit, of the Chicago Law Reporters' Association, was read:

CHICAGO, August 21, 1899.

Arthur B. Cook, Esq., Sec'y, etc.: The situation here as regards the license measure is about this:

When the proposed legislation first came up in our association the members were unanimously in favor of it. A committee of three, of which I was a member, was appointed to draft a suitable bill and report the same to the association. At about this time we learned that your association was taking similar action, and upon my request you kindly furnished me with a copy of your bill, and subsequently an amended copy of the same, the provisions of which were a valuable aid to our committee in the preparation of our bill. Our committee gave careful and extended consideration to the matter, had many meetings, and finally reported the result of our work to the association, when we found, somewhat to our surprise, that the enthusiasm which marked the first consideration of the scheme had very appreciably diminished, and we could barely secure a quorum to take final action looking toward the presentation of the bill in Springfield. Mr. J. L. Bennett was appointed a committee of one to go to the state legislature, then in session, and use his best endeavors to secure the passage of the bill. In about ten days Mr. Bennett reported the result of his work and his observations concerning the temper of the legislators with whom he consulted on the proposed legislation. His report was anything but encouraging, stating that, owing to the fact that the time and attention of the members of both houses were so taken up with pet measures, and our needs not being sufficiently popular or well advertised, the bill would probably be referred to the committee on judiciary and not see the light during the then present session. His prediction proved true. Some criticism having been raised in certain quarters as to the length and detail of the bill — probably arising from an indis-

position on the part of our solons to give it sufficient attention and investigation — Mr. Bennett thought it advisable to draft a very brief bill, embodying simply the *license idea*, in order to get the subject-matter before the legislature at that session, and possibly action thereon, and hoping later to secure the needed amendments so as to make it a practical working law. This he did, and the two bills were introduced and referred together to the committee on judiciary, and the legislature adjourned without further action on the matter.

It is possible that in drafting our bill the committee stated too much in detail the matters contained therein to secure attention and immediate action upon it; but while the language employed may be somewhat prolix, the practical working of the system, it seems to me, after having given the subject considerable thought, would be most simple and effective.

It seemed to us a wise provision, as doubtless it did to the framers of your bill, to provide an examining board for each of the appellate districts, in order to better accommodate applicants for examination residing in different sections of the state. It also seemed to us logical that each examining board should report its acts, together with the list of candidates recommended for commissions, to the court appointing such board, for final confirmation. It was believed by this means it would lend dignity to the proceeding and the commissioned stenographer would thereby have a better standing.

We had some debate, both in committee and in our association meetings, as to the advisability of providing for two grades of commissions, entailing two different special speed tests, — one for the "court reporter" and another for the "law stenographer," — the former granting the right to the holder thereof to do any character of shorthand work, and the latter any character of shorthand work outside of actual reporting in court. It was decided (against my convictions) that this would create dangerous complications, and that feature was abandoned.

It was also urged by some of our members that the machinery resulting from the appointment of examining boards would be too complicated, and would create too great an expense, and, as a substitute, it was suggested that the examinations be conducted by the judges of the several courts. To my mind it is quite apparent that this plan would inevitably result in a complete farce. With the arduous duties of the judges, — in Chicago, at least, — it would be physically impossible for them to devote the time necessary to the proper examination of the large number of stenographers which would certainly apply for the same. It seems to me eminently proper that the majority of each examining board should be composed of practical, experienced law stenographers, for who better knows the needs

and absolute requirements of the work than the experienced law stenographer? Under the system of examinations as proposed in our bill, *i. e.*, providing that the examining boards report to the appellate courts, it seemed proper that a member of the bar be appointed on each board, who would act for the board in presenting its report to the appellate judges, recommending the confirmation of the findings of the board, be of service in any possible litigation, give a certain standing to the board which it would not otherwise possess, and, at the same time, tend to relieve the board from any criticism of partisanship.

As to the expense necessary to the conduct of the examinations and other work of the boards, it is believed that the fees and penalties would be ample to defray the same. In districts where examinations are few, the time spent in conducting the same and the expense attending the work would be proportionately less than in the important districts. In the principal districts—a district embracing, for instance, New York city in your own state, or Chicago in this state—the examinations could be conducted in classes and the work accomplished with dispatch.

In one of our meetings the point was raised that an act of the nature proposed would be unconstitutional, in that it would prohibit individuals from gaining a livelihood in the manner in which they had theretofore pursued their callings or professions. The committee obtained the opinion of a well-known lawyer of this city upon the question, which was to the effect that such a law would be on a par with the law providing for the licensing of attorneys and would be entirely constitutional and valid.

Concerning the very practical and all important question of the ways and means to be adopted and the best course to pursue in order to secure the much needed legislation in the premises, it seems to one, who makes little pretensions as a present-day politician, that great benefit could be derived by creating a public sentiment in favor of the measure by well-directed publications, emanating, not from the law stenographers themselves, but from the judges and attorneys. The great weight of the argument is all on our side, and the urgent necessity of the regulation can be very clearly set forth. The great importance of the work we are called upon to do, to say nothing of the fees demanded and paid for our services, requires and demands the very best skill and ability obtainable in the market. From my own experience I have learned that the attorneys themselves, or a great majority of them, are very poorly posted concerning the practical work of the shorthand reporter, the difficulties attending his work and the application and practice necessary to make the accomplished reporter of to-day. Many careless law-

yers cannot even tell whether their cases are correctly reported or not, and, indeed, outside of the initiated our actual work is little known and little appreciated. It seems to me it would be an easy matter, prior to the introduction of the measure in the legislature, for the law stenographers to appoint a committee to write several articles for publication in leading journals, and, by arrangement, have the same published over the signature of a leading member of the bench or bar, demanding a reform in this very important work through the medium of the legislation proposed. These articles could be used to great advantage in our interest when the inevitable fight came on the bill in the legislature. It seems to me it would also be well, if it were possible to secure the same, to be armed with a strong indorsement of the bar associations, and this could no doubt be secured upon a proper presentation of the matter to such associations.

That there is a crying need for regulation and protection in our profession there is no room for doubt. If it does not come, and that quickly, the profession in large centers will be so completely overrun with novices and incompetents that the standard of the law stenographer and his rate of compensation will descend to about the level of the \$15 a week bookkeeper.

I am firmly convinced that the scheme as outlined in your bill or ours would be entirely practicable in its workings, and that it would be the means of curing very much of the evil that is now the deadly bane of the law stenographer's profession.

I regret very much that it is impossible for me to attend the meeting at Elmira. I have no doubt it will be productive of good. On behalf of the Chicago reporters allow me to wish you success.

I shall be glad to hear from you as to the results of your meeting.

Faternally yours,

FRANK W. PETTIT.

[Any member desiring to see the full text of the Illinois bill may do so by addressing Secretary Cook.]

Mr. SIDNEY C. ORMSBY was then called upon, and made the following statement in regard to the work done during the previous winter by the joint committee on licensing:

STATEMENT BY MR. ORMSBY.

Mr. S. C. ORMSBY: *Mr. President and Fellow-Members:*

I have been asked to present a statement of the attempt to secure legislation at Albany last winter to license stenographers, and I shall do so as briefly as possible.

At the close of the last convention of this association, although they did not succeed in obtaining all they came for, the members of the committee from the Association of Law Reporters of New York City felt satisfied that a long step had been

taken toward crystallizing the sentiment of the shorthand profession in favor of licensing shorthand law reporters. As a direct result of that convention, President McLoughlin appointed a committee to confer with a committee from the New York association, and a very interesting joint meeting was held late in October of last year in New York. This joint meeting redrafted on somewhat broader lines the bill presented last August, appointed sub-committees from each association and then adjourned.

The next step was to call a meeting of all practicing law stenographers who were not members of either association, and to submit the bill to them. Although this meeting was not largely attended, we received some very valuable suggestions from those invited to attend, and some subsequent financial assistance.

The amended bill was then resubmitted to the sub-committees from both associations, and, after having been approved, was presented to a full meeting of the New York City Association and accepted. The city association also appointed a committee of five with power to levy an assessment on the members to defray expenses.

After organizing and levying an assessment, the committee employed ex-judge James P. Davenport to have the bill introduced in both houses and look after its passage. Judge Davenport had the bill, as finally drafted, introduced in the assembly by Mr. Graham, of Newburgh, a former stenographer, and in the senate, in a changed and in some respects better form, by Mr. Elsburg, of New York city.

In the assembly the bill was referred to the committee on general laws, of which Mr. Fish, of Oneida county, was chairman, and a preliminary hearing was given at which Mr. Graham and judge Davenport appeared. As the members of the committee intimated, however, that they would like to hear some members of the stenographic profession, we took a delegation of five from the city association and four from the state association, and appeared before that committee late in January. At this hearing we specially retained Mr. John C. Coleman to address the committee, and speeches on behalf of the bill were also made by President McLoughlin, President Young, Mr. Thorne and Mr. Woodle. We think the impression produced upon the committee was, on the whole, favorable, but the chairman opposed us on the ground that he had a young woman in his office who could not pass the prescribed test, although we pointed out to him that he could still employ her under one of the provisions of the bill. No one appeared before the assembly committee in opposition, so far as we are informed, and yet we were unable to get the bill out of committee.

We next secured a hearing from the senate committee on Washington's birthday, but, although our joint committee appeared on that day in Albany, the hearing was postponed at the request of the State Bar Association.

Meanwhile, after some negotiation, the New York City Association secured a hurried meeting with the committee on amendments to the law of the New York Bar Association, who we were informed intended to oppose the bill. At this meeting there were present, besides the members of the Bar Association committee, two judges of the supreme court, and, although there was a hostile feeling manifested against licensing stenographers, our arguments were of sufficient weight to have the matter of drafting a bill which would be satisfactory to the Bar Association referred to Mr. Charles Bulkley Hubbell, the secretary of the committee. Mr. Charles P. Young and myself subsequently met Mr. Hubbell, and, after showing him that the Bar Association had previously indorsed a bill of somewhat similar character, we went over the bill section by section with him and drafted a bill of which I have a copy here for the inspection of any one interested. This bill was subsequently presented to the Bar Association committee, but the members of that committee would neither vote to support it nor to oppose it, and it was then too late to make any further efforts to secure their approval. I believe, however, that such approval can be secured.

On March 8th we again appeared before the senate committee and went through the form of a hearing, which was simply a travesty on the term. At this hearing the only open opposition which we encountered developed in the shape of a committee from the State Bar Association, which had been instructed to oppose any effort on the part of the stenographic profession to secure a system of licensing. The intelligent character of the opposition is evident to all who have read the extract from the proceedings of the State Bar Association published with the proceedings of last year's convention. After patiently listening for about fifteen minutes to the gentleman who represented this committee, and for about five minutes to judge Davenport, who presented the bill with the amendments suggested by Mr. Hubbell, the committee absolutely refused to listen to any arguments on the shorthand side of the question, and abruptly terminated the hearing.

After this hearing judge Davenport became convinced that nothing further could be done at that session by him, and we then retained Mr. James P. Oliver, who went to work on a different line and endeavored to get the state board of regents and some of the prominent members of the senate committee interested in the bill. We are informed that he was meeting with

very good success, and was in a fair way to get the bill reported by the senate committee, when legislative matters got tangled up in Albany and it became impossible to do anything further. The matter is, however, in a very good shape for next year, and I am positive that the city association will continue the fight.

Looked at from one point of view, our efforts were unsuccessful, but viewed with that spirit of optimism without which the world would never progress the legislative sky is bright with the rainbow of hope for the following reasons:

1. If a system of licensing is worth having, it is worth working for, and we cannot expect the members of any other profession than our own to do the work of securing it.

2. If we have found so much trouble in convincing the members of our own profession of its utility, we should not be discouraged because we have failed in the first attempt to convince the members of the legal profession and legislators.

3. The state has already licensed so many trades and professions that we believe the licensing of our profession is a logical step in the right direction, and have plainly answered the legislative committee's objection to extending the licensing system by the argument that the state, having once adopted the system, should either extend it to all or take it away from those who already have it. It is indeed a curious and somewhat illogical spectacle to see a member of the legal profession, who practices under a license, arguing that a stenographer should be denied the same right.

4. We have encountered a great deal of misinformation and ignorance as to what the stenographic profession desires, but we believe that with a little further campaigning a great deal of the opposition we have encountered will disappear.

5. We have ourselves obtained some very valuable hints, which have been incorporated in the amended bill, and which I shall be glad to explain in detail to any one desiring information.

6. The principal objection raised by the members of our profession against the licensing system was that the legislature would attempt to regulate the fees of those not employed officially, but such a suggestion was not met with from any one.

In conclusion, we earnestly recommend this association to continue the effort to secure the desired legislation in conjunction with the New York City Association, and that this association raise a fund to prosecute the work and appoint a committee to take charge of the matter in conjunction with the New York City Association. Although the city association has so far raised and spent over eight hundred dollars, we found ourselves cruelly hampered for the lack of money at almost every step. We have only thirty members in the city association who have

so far been able to contribute, and where a matter like this is of such vital importance to all there ought to be sufficient public spirit to raise the sinews without which war of any kind is impossible. If we can only induce the members of our own profession, who are directly interested, to stand together, this battle can yet be won; and we do not despair of being able to accomplish that end when we see disinterested members like President McLoughlin putting their shoulders to the wheel and doing yeoman's service. If we can persuade a few more to work hereafter as he has worked in the past, victory will assuredly be ours.

We desire to briefly call attention to the principal changes made in the bill as now drafted as contrasted with the bill approved by both associations and introduced in the legislature.

Section 2 names as the appointing power the state board of law examiners instead of the appellate division of each judicial department of the supreme court. This change was made because we found that the judges of the various appellate divisions objected to being named as the appointing power. I think it would be advisable to still further amend the bill and make the state board of regents the appointing power instead of the state board of law examiners, as that board is appointed by the board of regents and there is no logical reason why the board of regents should not also appoint the boards of stenographers as well as the board of law examiners.

This section has also been amended so as to strike out any reference to a speed test, leaving it to be regulated by the examiners. This change was made because we found so much misapprehension and misinformation on the part of legislators and lawyers as to what a fair rate of speed would be, and we therefore concluded that it would be better to leave it to the examiners than to excite hostility by stating the speed in the bill.

Section 9 has been amended by adding the words "or of grand juries" and all following, to meet objections raised by the stenographers of grand juries, the corporation counsel of the city of New York and the Bar Association of the city of New York, section 2342 of the code of civil procedure only covering the taking of testimony in pension cases where the referee, as we understand, is paid nothing for his services. I think it might possibly be well to also amend this section so as to permit the taking of supplementary proceedings by unlicensed stenographers.

Mr. BISHOP inquired as to whether the proposed act would better be printed.

After brief discussion it was agreed that the question of printing might be left to the decision of the officers and those in charge of the issuing of the volume.

[It was subsequently determined to print it in full, as a matter of convenient reference and guide.]

The following is the full text of the proposed act:

AN ACT to insure greater accuracy in shorthand reports of judicial and other proceedings.

SECTION 1. On and after the first day of September, eighteen hundred and ninety-nine, no person, except as otherwise provided by this act, shall take shorthand or stenographic notes within the state of New York, of any portion of the testimony, proceedings or trial of a special proceeding or action before a referee, commissioner, or other person authorized to hear or take testimony (except a judge or justice of any court) where the transcript of such notes is to be filed or used on such trial, special proceeding or action, or in an action or special proceeding in a court of record or in an inferior court of this state, without having first received a license as prescribed by this act.

§ 2. For the purposes of this act, the state board of law examiners, created by chapter nine hundred and forty-six of the laws of eighteen hundred and ninety-five, shall, within thirty days after the passage of this act, appoint a board of examiners for each judicial department of the supreme court of the state of New York, to consist of three expert shorthand reporters of not less than fifteen years' experience in the practice of the profession of shorthand law reporting, who shall hold office, without compensation, at the pleasure of said state board of law examiners. Said examiners so appointed, who shall be known in each judicial department as "The Board of Shorthand Examiners for the _____ Judicial Department," specifying the number of the particular department, shall, within their respective departments, pass upon the qualifications of each applicant for a license as a competent shorthand law reporter under such rules as they may adopt, subject, however, to the provisions herein contained, and subject to the approval of said rules by the said state board of law examiners. The examination shall include such inquiry as shall show on the part of the applicant good moral character, general information, knowledge of the English language, punctuation and orthography, and speed and accuracy in the taking of stenographic notes of testimony and reading and transcribing the same. Where the applicant, however, has actually and continuously publicly practiced the profession of shorthand law reporting for five years or more prior to the passage of this act, or is, or has been, at the time of the passage of this act, the official stenographer of any court in this state, upon proper and satisfactory proof thereof to the examiners, a license shall issue as of right without test as to qualifications, providing such application is made within one year from the passage of this act. Where there is an applicant to be examined, the board shall hold examinations at intervals of not less than three months, but no person shall be entitled to enter such examinations more than once in six months.

§ 3. Any person desiring to qualify under the provisions of this act to take shorthand notes as specified in section one shall make written application to and file the same with the board of examiners provided to be appointed hereunder for the judicial department in which the applicant resides or does business at the time of making such application. Such application for examination must state the name, age and residence of the

applicant, and where and how long such applicant has been engaged, if at all, in the practice of the profession of law reporting.

§ 4. Each applicant shall pay to the examiners a fee of five dollars for each examination. The fees received by the examiners shall be expended by them for the payment of their expenses in the discharge of their duties under this act. The board of examiners in each department shall annually, in the month of January, make a report of its proceedings and expenses in detail to the state board of law examiners, specifying in such report the names of persons examined and licensed during the preceding year. Any sum received by the examiners in excess of their expenses shall be paid into the treasury of the state.

§ 5. Upon a favorable report by the board of examiners, or a majority of them, in any department, the clerk of the supreme court in such department with whom report is filed, upon the payment to him by said applicant of a fee of five dollars, shall issue a license to the applicant, giving him the right and privilege to practice the profession of official shorthand reporting within the state of New York.

§ 6. Except as in section seven of this act provided, no transcript of shorthand or stenographic notes of the testimony, proceedings or argument, or any part of either thereof, taken on or after September one, eighteen hundred and ninety-nine, in any action or special proceeding, or upon any examination, hearing or trial, before a referee, commissioner, notary public or other person authorized for such purpose, shall be filed or used in any action or special proceeding, in a court of this state, or be an official record of such court, unless such notes have been taken by a person who has received a license under this act, and all transcripts of shorthand or stenographic notes taken in violation of this act shall be inadmissible as evidence and incompetent and void as and for the record or for any purpose in any action or proceeding set forth in section one. To each original transcript of such shorthand record, when completed, the shorthand reporter reporting the same must attach a certificate, stating that it has been taken by a duly licensed shorthand reporter or reporters; and no clerk of a court shall receive for filing nor shall he file in his office any shorthand record such as is described in this act unless such certificate is attached thereto. A transcript of the shorthand or stenographic minutes taken by any shorthand law reporter, duly licensed as required by this act, or by any official stenographer of any court in this state, of any evidence given or proceedings had, certified by him to be a correct report of such evidence or proceedings, and an accurate transcript of such minutes, shall be *prima facie* proof of such evidence or proceedings.

§ 7. Whenever, except in the city of New York, a referee, commissioner or the counsel appearing before him shall be unable to secure the services of a licensed stenographer at the time and place required, an unlicensed stenographer may be employed, and nothing in this act contained shall prohibit the employment of unlicensed stenographers in any action or proceeding where the parties who have appeared by attorney therein shall consent thereto, except in the city of New York.

§ 8. Any person who shall falsely represent himself or herself to be a licensed shorthand law reporter, or make any false state-

ment in any certificate required by this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punishable therefor.

§ 9. This act shall not be construed to in any manner amend or repeal the statutes relating to the appointments and duties of official stenographers in the courts of this state, or of grand juries, nor shall it be construed to interfere, in any way, with the duties of stenographers appointed under civil service rules in any department of the city government of the city of New York, so far as such duties require the taking of testimony before referees, commissioners, or a notary public; nor to the duty of any stenographer acting at the instance of any referee appointed by the presiding justice of the appellate division of the supreme court, first department, pursuant to section 2342 of the code of civil procedure.

§ 10. This act shall take effect immediately.

The PRESIDENT: Inasmuch as Mr. Hutchins, of Rochester, was not at the meeting last year, doubtless he has some views to present on this subject, which might be of interest.

Mr. HUTCHINS: I do not think, Mr. President, that I can add anything to what has already been said.

The PRESIDENT: My idea would be to have a declaration from you, as representing a great center of stenographic business in the state, as to how you view this bill — whether you are in favor of or opposed to the scheme.

Mr. HUTCHINS: I am in favor of all good things.

The PRESIDENT: Well, this is a good thing.

Mr. HUTCHINS: I cannot say much about this except that it does not occur to me that any person ought to engage in any kind of work that is not qualified to do it. We are all well aware that there are a great many incompetent people who are attempting to write shorthand, not only in Rochester, but in other parts of the country. If this bill meets with the approval of the association generally — and not only of this association, but of the New York association — and can be framed in a manner which will protect those who have written shorthand sufficiently long to carry them through without being bothered with any examinations, I think it is a very good thing. But it strikes me that the service of a person as an official reporter, or one who is not an official, but who has been a law reporter for a term of years, ought to be a sufficient test as to that person's ability to write shorthand, without undergoing examination of any kind. The very fact that they have performed the work satisfactorily for a given term of years should be enough. I think there ought to be a modification of some sort in this measure. As I understand it appears like a good one, and I am in favor, as I think all of the other members in my community are, of seeing the bill succeed. I read it over once, but not

very carefully, after talking with Mr. Griffith, after he got a copy of the first bill, and we did not see anything in it that was objectionable.

There was one thing I would like to speak of. I have forgotten whether there was anything said about the rate per folio. Now you gentlemen, as I understand it, get ten cents a folio for your work, while we people get but six cents.

Mr. S. C. ORMSBY: This bill is not to affect official fees at all. The work covered by this bill is not official work in the courts. It is the reporting done before referees, commissioners and notaries public, and all that class of non-official work; the fees for that are entirely different from the court fees, and we have designedly tried to avoid all reference to them, and we have hoped that the legislature would not attempt to interfere with the fees, but would leave them, as they have been for years past, regulated by custom and practice.

Mr. HUTCHINS: Is there any way, if this bill goes through, that the fees in the country can be brought up to ten cents?

Mr. S. C. ORMSBY: This is not official work at all, except that stenographers practising before a referee would have to take out a license.

Mr. WAT. L. ORMSBY: I would like to answer that there is a way by which your fees can be made ten cents. It is by amending section 1011 of the code, so as to make them ten cents.

Mr. HUTCHINS: Would it be advisable, in your judgment, to begin such a movement?

Mr. WAT. L. ORMSBY: I may say that in Brooklyn we worked under the law that you have for a long while after I first went there, and we found it advisable to have the exception made to bring Brooklyn under the ten cent law, and we succeeded in doing it with but little trouble. The following year our friends in New York reduced the amount, so we had to go up the next year and have it re-enacted, so we have twice had it made ten cents for Brooklyn. I do not see why you cannot have it made ten cents for your county, if you have the nerve.

Mr. HUTCHINS: It is not "nerve;" it is a question of ability. They might say, "You fellows get so much a year salary, and if you want ten cents a folio, we will increase it to ten cents and reduce your salary."

Mr. WAT. L. ORMSBY: We have not only succeeded in increasing our fees to ten cents, but we have had our salary raised from twenty-five hundred to three thousand dollars.

The PRESIDENT: This bill applies only to stenographers outside of the courts. There is a section which provides that it shall not interfere in any way with the rights and duties of

official stenographers. I presume you have no objection to it if it does not interfere with you in your district.

Mr. SIDNEY C. ORMSBY read the ninth section of the bill.

Mr. HUTCHINS: As I understand it the substance of the whole bill is to bar incompetent people from performing shorthand labor.

Mr. S. C. ORMSBY: Yes, and to bar what happened in New York --- something that I neglected to mention --- in relation to this war inquiry board. When they came to New York a lady secured the reporting of that important investigation in that city who does not write a line of shorthand at all. Of course some people maintain that a person of good business ability has a right to go into the shorthand business as much as they have to go into the butchering business, and to employ competent people to do the work for them, and to put their name on the outside of it as the official reporter, when they are not. That is one of the evils that this bill strikes at and knocks in the head.

The PRESIDENT: Inasmuch as this matter was very thoroughly gone over last year, and what Mr. Ormsby wishes at this meeting is to have some positive action taken by this association to put itself on record in this matter, I was anxious to get, as far as I could, an expression of opinion from the different parts of the state. I have here a letter from Mr. John H. Wilson, of Syracuse, which is in a different judicial district from Mr. Hutchins, in which he says:

" You can consider me with you in any move for the advancement and advantage of the profession. I certainly think something should be done. There has a case arisen in our city within the last few months that illustrates the necessity of reform very much. It was a case involving many thousands of dollars. A girl without experience was employed; a number of expert witnesses were sworn on handwriting. You can imagine the result. She finally came to her senses and resigned, and the attorneys, profiting by their experience, called upon an experienced reporter (not myself) to finish the case. I think the transcript would perhaps be a better illustration than I can give you if we could examine it."

Now we have here Mr. Beach, who is in the same district as Mr. Rose. In a conversation this morning Mr. Rose said that he is heartily with us in this effort, but he did not believe it could be accomplished. He had a conversation with the republican leader in the house, who told him that as long as the legislature was composed of so many lawyers we would find it next to impossible to achieve our object.

Mr. BEACH: I don't know that I have any views, Mr. President, in relation to the bill. I have not examined the amended bill. It had seemed to me that the bill as at first proposed,

while good in its features, was still a difficult bill to pass; and I think with these various amendments it is growing nearer the time when a successful termination can be reached. Of course, where any one is affected unfavorably by the bill, whether a stenographer or a lawyer employing a stenographer, you have added an opponent of the bill, and there are a good many of these people in the legislature. As you meet the various objections, I think that a bill may be prepared — perhaps the one that is now before us — or possibly some other amendment may be suggested that will give us a bill that can be passed. And then, when once on the statute books, as need for amendments becomes obvious, amendments can be made and carried through easier than putting everything in one bill. I have not examined the matter very much, but it seems to me that the bill now before us is much better than the one discussed last year. The druggists have gotten in their bill. They went through a somewhat similar experience. They had to take in and license a great many people who were in the business of the same class as the bill was designed to keep out — these druggists who were not chemists, and who were not competent to prepare prescriptions, and knew very little about the drugs, except as they saw the names on the bottles. But when the bill passed they were obliged to include all who were practising pharmacists and druggists up to a certain time. I think that if this bill for licensing stenographers is made pretty broad on the start it can be amended, perhaps, in the future, and a great many things will cure themselves. Men who are incompetent will either become competent, or, if they do not become competent, then natural selection will take care of it, and they will go to the rear and not find so much to do perhaps.

The PRESIDENT: The centre of legislation is in Albany, and if we hope for success we have to keep in touch with the men who are in Albany. Mr. Kelly was a very efficient head, during the last year, in keeping watch on things; and so were the other members of that firm. Mr. Loeb also particularly aided. If Mr. Kelly has any new views to present on this subject, or if he and his firm are opposed to this bill, or opposed to any provisions of it, I would like to hear from them.

Mr. KELLY: *Mr. President, ladies and gentlemen:* I am heartily in favor of the bill, especially in its present state. I think all the objectionable features have been removed. I believe Mr. Rodgers and Mr. Ruso are also in favor of the measure, and anything we can do in the matter proposed which will further advance the interests of the association we will do heartily and willingly.

The PRESIDENT: Now we have arrived at a period in this dis-

cussion where the point of action has come, and while it has been suggested by some that the smallness of the attendance would not justify action, yet we must remember we that are here represent the New York state stenographers. We have now one hundred and fifty on our roll. We are a representative body. I consider that whatever action we take here every member of the association will feel bound by. So if there is any member that has any motion to make I will cheerfully entertain it. There is not any occasion, it seems to me, to continue discussing a matter upon which we are all agreed.

Mr. COOK: I would merely state, Mr. President, that I have spoken, in a general way, to several of the leading lawyers in New York city in regard to this subject, and they seemed to be in favor of the general proposition. I think that when the time comes for further active steps in this matter, if the members of the association will secure the views of the leading lawyers of their acquaintance, most of the first-class lawyers will be in our favor; and their influence, together with the unmistakable fact that the bill is in the public interest, will materially help to overcome whatever opposition may arise. I am confident that the bill can be passed within a reasonable time.

Mr. BISHOP: Mr. President, I think the suggestion made as to interesting the best known lawyers of the city is very admirable. Of course everybody understands that I am now substantially out of the legal line of reporting, another line having absorbed all my attention. But I have many acquaintances among the first lawyers of New York—among them at least three former presidents of the Bar Association, and other influential gentlemen whom I know very well; and I meet some of them not merely as a stenographer, but in other ways. I think that when the bill shall be ready we might each go to a few of his legal friends, well-known men, and secure their backing, which, as Mr. Cook says, would probably override the opposition of a good many of the members of the bar of the smaller fry, even though they might hail from out of town.

Mr. WAT L. ORMSBY: Mr. President, my interest in this bill is wholly general, not personal at all. As one of seven stenographers of the supreme court in the city of Brooklyn, I can say that, although it may seem strange, as a matter of fact I question very much whether any one of the seven would take the pains to take out a license under this bill, and invest five dollars. However, I am interested in a general way in seeing stenographic work done rightly, therefore I now move that this association indorse the amended bill for the licensing of stenographic law reporters presented at this session, and that the president appoint a committee of five to present it to the next

legislature and urge its passage, said committee to act in conjunction with a similar committee from the Association of Law Reporters of the city of New York, and to have authority to make such amendments and take such steps as they may deem necessary.

The motion was seconded by Mr. Loewenstein and unanimously carried.

The following paper was read by Mr. Cherry:

THE RELIEF SYSTEM OF REPORTING AND THE MAZET INVESTIGATION.

BY LEOPOLD WOODLE, NEW YORK.

The spirit of enterprise in business affairs does not lag. In mercantile affairs, in mechanics, in transportation, in building, in the journalistic profession, in other professions such as medicine and the law, this spirit of enterprise as exhibited in rapidity of labor has taken a hold which cannot be shaken. In the building line structures are erected, of the most massive character, so to speak, in a day. In the legal profession, whereas in past days the searching of a title would require a month, the system introduced by the title companies permits the making of a contract for the purchase of property on one day, and upon the next, or at most two or three days after, the purchaser can take his deed. In the journalistic profession the people have been educated by the great newspapers of the metropolitan cities to be no longer satisfied to await the printing of news from day to day, but they now eagerly look for new items from hour to hour, and almost from minute to minute.

This evolution is fast overtaking the profession of shorthand reporting. The practice of transcribing in longhand the notes of a certain day, and furnishing them two or three days after, has long since been superseded. Even within the memory of almost the youngest in our profession demand for the delivery of transcript in time for court the next morning came gradually into vogue, and with the introduction of the typewriter the shorthand reporter saw his way to doing this with a greater facility. The phonograph, too, has taken its place as an article of service in the profession, and to-day many a stenographer relies upon it alone to help him in a rapid transcription of his notes. But it seems to me that the relief system of reporting is the coming system in the progress of the profession.

In a very modest and somewhat contracted way I was first brought into contact with a faint example of that system back in the year 1886. In that year there was held in the city of New York the first of the series of trials of the "boodle" aldermen. First was the trial of Jaehne. At that time, having office con-

nection with the counsel for Jachne, I was spoken to by him upon the matter of reporting the trial, with a view to taking the notes and furnishing a complete transcript of them upon the evening of each day. Though I had been then reporting a number of years I had never handled a task of that nature, but I agreed to undertake it, and determined to do the best I could with it. It seemed to me that the course to pursue would be to employ say three assistants, have each of the four of us take hourly takes, and getting to work on them as we got out, of course we should probably be able to deliver them in the evening as required. In that way the work was done; and so far as it went it was successful, as to the delivery per contract. In that case it did not happen to be *verbatim* because we could not succeed in getting such facilities as would enable us to get near enough to the witnesses. The counsel, however, appreciated the difficulties, and in view of being furnished promptly with what we could give him was satisfied.

We have all of us more or less since that time done a similar system of relief reporting in court and out. But that comparatively slow system is rapidly giving way to something of a more expeditious nature. In the city of New York in the past few years has the use of the relief method with up to date improvements been greatly increasing. For instance, at most of the public dinners, those of course which are reported at all, are stenographers employed who in relays file in and out of the banquet chamber for the purpose of taking and transcribing notes in short takes. At almost every large political meeting is the same to be seen, stenographers forcing their way in and out, to and from the speeches; and sometimes as the door of the hall opens to let a stenographer pass, one who may be near it may hear the dictation of the other stenographers and the clicking of the typewriting machines in a room adjoining. It has become quite a regular thing for some of the well-known stenographers in the city to form part of a corps upon at least half a dozen such occasions during a winter season.

The Mazet committee appointed by the assembly of the state to investigate New York city departments began its work early in the spring of this year; and the Associated Press of New York, anticipating a widespread public interest in the proceedings, arranged with a firm of stenographers to furnish for it immediate *verbatim* reports to be distributed to its patrons as soon as furnished.

The early meetings of the committee were held in the rooms of the board of trade, in an office building on Broadway. The stenographers employed upon this work had to see that they got accommodation near the point of examination of witnesses, and also to see that they could get in and out of the examination room frequently and with the least possible friction. Then they

secured a room for the typewriter operators, which room had to be close to the examination room, that loss of time might be avoided.

The number of stenographers at first employed in the corps was five; the number of typewriter operators four. At the place at the table reserved for these stenographers there were two chairs, and at the opening of the sessions there were two stenographers there in attendance. The *modus operandi* was that when the proceedings began one of the stenographers took notes for about five minutes, and when he was about to quit he would indicate to his associate that he, the associate, was to take the next question or the next remark, according to whether the subject was examination or speech. The associate would thus be sure to start to write exactly where the other left off, and a third stenographer would be in readiness to slip into the place of the first, the first going out to the typewriting room and dictating to a rapid operator. The second would then take for five minutes and leave the room and dictate to operator No. 2, a fourth stenographer taking his place to relieve No. 3 in due time, each slipping out in turn to dictate his notes to another operator. Stenographer No. 5 would of course have to continue taking notes until he was relieved by the first, who had by this time gotten through with his dictation and returned. Thus each stenographer would be relieved in turn, and most of the time all four of the operators would be employed. Thus the Associated Press in ten or fifteen minutes from the taking of the notes would be in possession of the transcript for distribution. In practice, at times by reason of one of the stenographers getting a swifter take or having a little more difficulty in deciphering notes, the man in the examination room taking notes might find himself getting a ten to fifteen minutes' take; but that condition would be inclined to result in more than one, sometimes three of the stenographers, getting through dictating at about the same time, and thus the next consecutive takes would be again reduced, and so through the day would be averaged to nearly the length of the first takes. When the day's session closed the stenographers and the operators would in ten or fifteen minutes thereafter be ready to go to their offices or homes. Thus has the stenographic evolution developed from the hour to the five-minute take, and from the evening to the immediate delivery.

After an experience of two or three weeks it was determined to try the job with a smaller force, namely, four stenographers and three operators, which was successfully accomplished. It is probably unnecessary to say that this reporting was not done without the usual difficulties. A witness would, so far as the reporters were concerned, seem to have a private conversation

with the counsel or with a member of the committee, when he was in reality giving testimony, and the reporting corps would scarce be able to catch what was said; the messengers of the newspaper reporters going by would shove right and left against the chairs; interlopers would get between the stenographers and the witness and counsel; newspaper reporters and newspaper artists vibrate the table and converse in a tone almost to drown all other voices; a committeeman talks for the benefit of some near neighbor; the witness nods his head to a question, and the stenographer, in a position so that he could not see the nod, must guess whether there was one or not; the crowd in the way of getting in and out of the room; the reading by the counsel of extracts from newspapers at from two to three hundred words a minute (though Mr. Moss was always courteous and always ready to give aid and assistance;) these little incidentals had of course to be looked for and had to be endured. For of such, as we know, is always a large part of the stenographic experience made up.

The happy feature of it all to the stenographer is that when the committee adjourns for the day he, too, is ready to adjourn. His fee may not be quite as large as though under other circumstances he had taken notes and had to sit up several hours in the night and transcribe them, but it is a fairly respectable fee as things go, and his work is done; and four or five stenographers have earned that same fee and been relieved from further duty for the day. So that if they have untranscribed notes left from other business the night can be devoted to the transcription of them.

It may be that to the Washingtonian who is familiar with the stenographic feats in congress this character of reporting is not new; but to the New Yorker it has not yet become so generally familiar as not to deserve a passing notice.

Is it not true that in line with the spirit of enterprise to which I have called attention stenographers more and more meet with a demand, in all lines covered by the professional stenographer, for rapid note-taking and speedy delivery of transcript, which can only be satisfied with some such system of relief reporting?

When the members of the legal profession, as they are bound to do, will arrive at a greater knowledge of this system, and a more general knowledge of it, the effect that it will have upon their demands in relation to the stenographic profession can, I think, with considerable exactitude be foretold.

Mr. BISHOP: I want to say one word about the division of labor. In reference to the Mazet investigation, the impression might get abroad, in listening to that paper, that what has been described in the paper just read is a new thing. The Mazet

committee was a special thing, in one way, as to requirements of promptness; but there is nothing new, that I can discover, in the method pursued in that case over the method pursued for many years in Washington, where five men have done congressional work, each one, as he gets his "take," going out and dictating his "take" to the graphophone, now, and formerly and for years to his amanuensis, in that way getting out the proceedings promptly, having them finished, ready for the printer, substantially at the close of the day's proceedings. Except where revisions were made, and those are usually made in proof within a very short time after the adjournment of congress, the proceedings are completely transcribed. Of course it was somewhat different in the senate while Mr. Dennis Murphy was alive, because the more deliberate proceedings of the senate admitted of notes being so taken that they could be transcribed by a shorthand amanuensis from Mr. Murphy's minutes; and I understand sometimes Mr. Shuey or Mr. E. V. Murphy would dictate those notes. Now the system is changed, in the senate, from having a single official head to having five — on the same plan as that followed in the house. It had been done in the house for years, and in many other bodies, though in England, in their parliamentary committee work, the old senate plan is much followed. Mr. Gurney Salter, one of our honorary members and still the stenographer of both houses of parliament (he is appointed at the beginning of each session of parliament,) is a gentleman with whom I have had some correspondence, and I know, from his written and published statements and those of others, what their practice has been. But so far as legal reporting is concerned, it is not a new thing in New York, by any means. There are gentlemen here who have been engaged in reporting arguments, which we were talking about yesterday — arguments in certain important cases in the United States court, where three or four stenographers were engaged — two sets of them, and they had to take their "takes" and get out their work within a prescribed time. But many years ago, in the supreme court — as long ago, I think, as 1865 or 1866 — we had a proceeding in New York — *George Opdyke against Thurlow Weed*. The counsel for Mr. Opdyke, the plaintiff, was David Dudley Field, and he had opposed to him Mr. Evarts, who had several associates, although he himself had the "laboring oar," so far as making the arguments and examinations went. As I remember, his associates included ex-Judge James Emott and ex-Judge Wm. Fullerton. The official stenographer of the supreme court, part III, was Mr. James L. Crosby, whom I think Mr. W. L. Ormsby may remember — one of the most wonderful shorthand writers that the city of New York ever had. I have heard an eminent lawyer say Crosby's note-

taking seemed as easy and natural as the drawing of a breath. I never saw any other shorthand writer whose hand seemed to move so easily, so like the simple act of breathing, as my friend the lawyer said; and I never knew him either to be confused or get seriously beaten on the rapidity with which the "language" came at him. He was the official in that case, and it seemed that the parties desired the record not given them merely early in the morning, but on the evening of the day on which the proceedings took place. Mr. Crosby made a contract to do that, and there were about five of us, I think, whom he employed to help him — perhaps not all on the same day, but I think about five in addition to Mr. Crosby himself worked on that case, including Mr. Underhill. It was in the "old times," of course, before the typewriter, and when we had to dictate to longhand amanuenses, which made slower work of it, unless we used stenographic amanuenses, and might easily involve the use of five additional men, where three at the present time would suffice because of the greater expedition in getting out the dictation, due to use of the typewriter.

But that work was done. Of course we had several duplicates to make, and the amanuenses had to make each separate copy, each by hand; and they were all made line for line and page for page, in a systematic way. That was done in that case, and it was done without any difficulty and without great pressure on the workers engaged. It was a case in which the counsel were of the most difficult for the reporter. Judge Emott was one of the most impetuous talkers whom I ever undertook to report, or to whom I ever listened. Mr. Evarts, everybody knows, is not a rapid talker, although sometimes he got along at a pretty lively rate; he was simply a pretty peculiar talker, with a style of his own, and the reporter was obliged to exercise great care in reporting his arguments. There are people here who know all about him from individual experience. It was in one of his discussions on this very Opdyke case that Judge Blatchford, later of the United States supreme court, characterized Mr. Evarts' style in picturesque language. Mr. Blatchford was then practising; his firm were the attorneys for Mr. Weed, Mr. Evarts being the counsel. Crosby said that he took the record down to Mr. Blatchford — "Sam," he was called then — and called his attention to one sentence covering two or three pages of legal cap. And Sam said: "Yes, some of Mr. Evarts' sentences were very long, and the trouble with some of the d—d things was, they would not parse." Then, everybody knows that David Dudley Field was not one of the easiest men to report. It was really immensely more difficult than making the record of the Mazet committee, with Frank Moss as questioner, could possibly have been, he being one of the most

deliberate and smooth talking of men — one of the cleverest speakers that I ever heard — and he doing almost all the questioning. With Judge Emott and Mr. Evarts, and Judge Fullerton and David Dudley Field discussing points of law as the proceedings went on, and often making lengthy arguments, the undertaking was necessarily a more difficult one than the work on the Mazet committee. I simply wish to insist that, far from being new, that which the paper describes, it is not novel at all. It has been done for years; and it was done under circumstances as difficult twenty and twenty-five years ago as any that can be conceived at the present time. It is but just to say this, as matter of historical accuracy. And I think that is all I can contribute to the discussion of Mr. Woodle's paper.

The following paper was read:

THE GRAPHOPHONE.

BY WAT. L. ORMSBY, BROOKLYN.

Worried by the poor shorthand writing of my amanuensis, and thinking to at least improve my unhappy lot, I put in a graphophone on trial about a year and a half ago. With what result? Well, instead of shorthand mistakes to correct I found innumerable mistakes of hearing, typographical errors were much more frequent, words and phrases were entirely skipped in transcribing, the letter "s" failed to reappear in the transcript with any certainty, the graphophone was afflicted with various mysterious ailments which impaired its efficiency, the paring machine got out of gear, I spent more time revising work than I did in dictating it, and the amanuensis took more time correcting work than she did writing out from the graphophone. Taken all together, life was anything but one continual round of pleasure, and accuracy of transcript was only secured by the greatest care, hard labor and at the expense of the appearance of the transcript. Fortunately or otherwise, my amanuensis was possessed of a large amount of grim determination. So we struggled along. I know she thought all our troubles came from my poor dictation and wretched management of the machine. On the other hand, I arrived at the conclusion that because she could not make it work it did not by any means prove that some one else could not make it go, that the management of the machine by the operator required the same kind of intelligence that is required to make a transcript from stenographic notes, and that with the right graphophone operator it might be a good thing.

In the meantime I had bought the machine and paraphernalia at about the expense of a good typewriter. Then my amanuensis and I parted, and I secured a former stenographic amanu-

ensis of stenographic and typewriting ability who could take dictation of 50 pages (125 honest folios,) transcribe it, read it back for revision and correct it in a day between 8 A. M. and 6 P. M. Before getting rid of the graphophone I took her to Parsons's office. There we saw the phonograph at work. Parsons has dictated to a machine for years. He is an expert; so is his amanuensis. We both concluded that if we could learn the trick it would save time in the end.

The result now is that we make a better transcript from machine dictation than from either shorthand dictation or direct dictation to the machine: typographical errors are fewer than in direct dictation, words or phrases are no longer skipped as she sets the reproducer back a little each time so as to make a lap, the letter "s" at the end of a word is transcribed accurately because always dictated by the word "plural," the mechanisms of the graphophone and paring machine under intelligent treatment have become tractable, she can write out comfortably at the rate of ten pages an hour all day and spurt to twelve and thirteen pages, and the corrections are so few that she can correct a hundred pages an hour and put in every correction, even to a comma, on the typewriter.

As to the speed of dictation to the machine, I once dictated fourteen pages and a half in fifteen minutes, and she produced a transcript aided by my notes. It was a poor dictation and not an altogether satisfactory transcript. I dictate ordinarily about 25 pages per hour, and occasionally 35 pages or more per hour.

The changes in the transcript being few on revision, I have found it advisable to read over the work for errors myself, not to have it read to me. When the transcript is off at all, it is "way off," and you recognize it at once. I can revise from 45 to 60 pages an hour of graphophone work.

The tendency is at first for the stenographer to dictate too rapidly, and thus make mistakes which he would not make in more deliberate dictation. With experience you can acquire gradually greater speed of accurate dictation and become accustomed to reading at a glance. Where I make an error in dictation, as soon as I discover it I say "mistake." The amanuensis at once stops transcribing. Then I go back to the last words correctly dictated, the amanuensis follows copy on the transcript, and I dictate right along, she making the correction at the proper place in pencil, and then going on with the transcribing.

My amanuensis likes the graphophone particularly, as she does her work in less time. I like it because we can do more work in the same time when pushed. My amanuensis is as well paid as for shorthand work. The extra expense for cylinders is compensated by the increased quantity of work she can turn out.

My advice is not to try to work the graphophone for law stenographers' work with cheap and inexperienced help, but to pay a good price to an intelligent operator and have comfort.

If all law stenographers used the talking machine for dictation there would be none of us engaged in the work of educating future business competitors. I was trained for law reporting in that way. Most of you were, I think. Is it wise for the stenographers of to-day to train the stenographers of the future, or should self-interest prevail?

Mr. LITTLE: Does not the accuracy of the transcript depend almost entirely upon the accuracy with which you dictate?

Mr. ORMSBY: Yes, it does.

Upon motion, the convention adjourned until 10:30 A. M.

A RED LETTER EVENING.

On Thursday afternoon a trolley ride through the beautiful city and suburbs of Elmira was given to the visiting members, and was highly appreciated.

In the evening the visitors were invited by the local members to a reception at the Hotel Rathbun, followed by a musical and literary entertainment. Some of the selections rendered are named below:

PROGRAM.

- "Saratande" Bohm
Miss White.
- "Queen of the Earth" Piusuti
Miss Carroll.
- Reading — "Her First Appearance" . . . Richard Harding Davis
Mrs. Bertha Morris-Smith.
- "Habenera" Nevin
Miss White.
- Reading — "Mr. Travers' First Hunt"
Richard Harding Davis
Mrs. Bertha Morris-Smith.
- "Sing, Smile, Slumber" Gounod
(With violin obligato).
Miss Carroll.

The renditions were all of a high order, and the performers were enthusiastically encored.

A collation was then served in the grill room of the hotel, after which there were speeches by President McLoughlin, Mrs. White, Col. Demming and Messrs. Griffith, Loewenstein, Wat Ormsby, Cook, Bishop, Sidney C. Ormsby, Head, Cherry and Kelly.

President McLOUGHLIN, in the course of his remarks, said: We all join in returning thanks to the local committee, consist-

ing of Mr. Rose, Mrs. White, Mr. Murdock and Miss Moore, for the very handsome manner in which they have entertained us. Shorthand writers will bear testimony to the superior ability of Mrs. White, who had the distinction, some few years ago, of being the vice-president of this representative association of shorthand writers.

To Mr. Rose, in his affliction and in his absence, we again send our love, and our assurance that while life lasts we will hold him in affectionate remembrance. We trust that he will be with us to-morrow morning.

The evening was a most enjoyable one throughout.

SECOND DAY, FIRST SESSION.

President McLOUGHLIN: We have a great deal of business before us to-day, but before we start I wish to express on behalf of the association the joy we feel at seeing present this morning the gentleman whom I said yesterday was the Nestor of our profession — how happy we feel that we are able to see his sunny smile and receive his cordial hand-grasp. I think that the meeting would be incomplete unless we heard this morning a few words of welcome to Elmira from Mr. Rose.

Mr. ROSE: Mr. President, ladies and gentlemen, I am happy to receive your congratulations at being with you this morning. I cannot express to you how much of disappointment I experienced in being deprived the pleasure of being present yesterday, and also of welcoming you on your first arrival. I now extend that welcome to you, supplementing what Mr. Joslyn said to you yesterday. I hope you will try and enjoy yourselves as best you can. I think you will find quite a good deal that will interest you in Elmira.

While I am standing, I would like to ask if there are any of the members that would like to go to the reformatory this afternoon. I would like to have you all go, because I think there is a great deal that might interest you, and a great deal that would remove prejudices received from newspaper attacks. You have all sat in court and heard prisoners ask not to be sent there. I would like all of you to go and see the institution and see how it is conducted. I am sure, if you had any opinions against the institution, you would come away with them entirely removed. If any of you would like to go up this afternoon I will make the arrangements. The dress parade is at four o'clock, and if you would like to go through, to see how the prisoners are clothed and taken care of, you have the opportunity.

Mr. HEAD: I think it would be a good thing for all the New York state members to go and take a look at the institution, but I do not see that Col. Denming and I are interested in it. They can't send *us* there.

Mr. S. C. ORMSBY: Judging by the newspaper article this morning, the New York state stenographers don't need to go there. It is headed "The Good New York State Stenographers."

Col. DEMMING: I saw some one this morning looking rather suspiciously at Col. Head, and I didn't know but he might go there before he left the city.

[Arrangements were made to visit the reformatory.]

The PRESIDENT: We will start where we left off last evening. Mr. Little had the floor, discussing Mr. Ormsby's paper on the graphophone.

Mr. LITTLE: I beg your pardon. I made an inquiry, and that ended my action on the matter.

The PRESIDENT: Then we will begin anew. Is there any discussion on the subject of the use of the graphophone? I will ask the gentlemen from Buffalo if they have had any experience with the new style of getting out minutes.

Mr. CHAPIN: Mr. President, I have been using the graphophone for a year and a half or two years. I am sorry I was not present to hear the paper read yesterday.

The PRESIDENT: It is rather a short paper, but the point that Mr. Ormsby made, which struck me rather forcibly, was this: If all law stenographers used the talking machine for dictation there would be none of us engaged in the work of educating future business competitors. I was trained for law reporting in that way, and most of you were, I think. Is it wise for the stenographers of to-day to train the stenographers of the future, or should self-interest prevail?

Mr. CHAPIN: I do not think I would like to take hold of the discussion of that question just at the present time.

Mr. COOK: Some years ago I used the graphophone for a year or two in dictating notes, and found it very satisfactory.

Mr. ROSE: I would like to ask Mr. Cook, supposing you employ help of the same character, can you dictate to better advantage and get out your notes with practically less expense by using the graphophone?

Mr. COOK: I think that with the same character of help you can get better results from the graphophone; for, provided you take care to articulate distinctly you can dictate more rapidly to the graphophone, and it is always at hand, ready to take dicta-

tion at any hour of the day or evening. And if the dictator and transcriber are not nervous about the buzzing sound of the machine, or the management of the mechanism. I think that more work can be done with the graphophone than by stenographic dictation, and with less effort on the part of both dictator and transcriber. It may be well to add that where persons are located in an office with others, graphophone dictation is, on some accounts, apt to be more disturbing to the business of an office than ordinary stenographic or typewriter dictation.

MR. WAT. L. ORMSBY: I would like to answer Mr. Rose's question from a business standpoint. The amanuensis that I now use was formerly my stenographic amanuensis. The reason we both prefer to use the graphophone is that we can get out the work more quickly, more accurately, and more easily with the graphophone. I could get out fifty pages a day with stenographic dictation, and do my court work, and I can get out from sixty to seventy pages a day on the graphophone, besides doing my court work.

MR. HUTCHINS: I would like to ask Mr. Ormsby what his court hours are.

MR. ORMSBY: From ten to half-past four. I can do that by working two hours before I go into court and an hour and a half after I come out.

MR. BEACH: Is not the economy in the use of the graphophone in the time it takes for dictation, *i. e.*, that while you are dictating on one cylinder the operator can be transcribing from another?

MR. ORMSBY: Of course it would be a great economy to have another. With one graphophone, without going to extra expense, I find that I can comfortably dictate sixty pages or over in the two hours before I go into court. Now the operator can easily write that out by half-past four, and can correct it while I am revising copy. I can easily turn out sixty pages in a day, besides doing my court work from ten to half-past four.

MR. LITTLE: What is your amanuensis to do at the time that you are dictating?

MR. ORMSBY: She has not done anything.

MR. LITTLE: Then if you dictate till half-past ten in the morning she is unoccupied?

MR. ORMSBY: I dictate till ten o'clock.

MR. LITTLE: She is unoccupied till you finish dictating?

MR. ORMSBY: She uses some time in shaving cylinders.

MR. LITTLE: Do you use the large cylinders, and shave them down, or use the thin cylinders?

MR. ORMSBY: I use the thin cylinders.

Mr. LITTLE: Would you consider it economy to use two graphophones?

Mr. ORMSBY: Undoubtedly.

Mr. LITTLE: If you make twenty per cent. saving in using one graphophone, would you make forty per cent. saving in using two?

Mr. ORMSBY: Perhaps I can.

Mr. LITTLE: Having had some experience in the use of the graphophone, perhaps I can make some suggestions, although I am inclined to think that substantially the same suggestions have been made before, in regard to the use of graphophones and phonographs in law reporting, dictation of minutes, and the dictation of matter generally.

A number of years ago I was asked to go to New York to see a machine which would in the future remove every stenographer in the state from business. Inasmuch as at that time I was engaged in the stenographic profession, I was somewhat interested in seeing a mechanical contrivance which would take the place of the operations of the human mind. I therefore visited New York, and was shown into a dark hallway — passing through that into a room which was not well lighted, passing through that into another, with the doors locked behind us, and eventually emerging into a room with a fair light, with a machine, and with an operator. The whole thing was purposely concealed from the public, because they were not yet in a position to put it upon the market, some little imperfections having been discovered. The promoter of the scheme at that time was a personal friend of mine, and he has been connected with it more or less ever since. The graphophone (the phonograph, as it was at that time) was experimented with. Even at that time it reproduced with certain distinctness. It was not perfected sufficiently so that a dictation could be taken and transcribed with perfect accuracy. Subsequently, however, with a proper articulation, the machine was perfected so that a dictation could be transcribed with absolute accuracy. The machines were somewhat used, and they were put upon the market only in one way. They proposed not to sell the machines, but to rent them at \$40 a year, and they concluded that all stenographers who were in the business at that time would employ them for dictation, and in a short time the graphophone itself would be used in court and in all public proceedings where they were to be reported, and the stenographer would be thereby displaced. I therefore concluded that perhaps, inasmuch as their mechanism was to displace me in my business, I would better investigate such mechanism. Therefore I obtained the

first phonograph that ever came to western New York. I did considerable work with it, although I did no dictation of my stenographic notes to it excepting experimentally. As far as I was concerned it was largely used for amusement, and at the same time I was investigating the subject, in view of what had been stated to me as to its possibilities. I have dictated a great deal to the graphophone. The accuracy of the transcript came up, and I dictated to the graphophone, in one minute, three hundred and six words, not reading from matter, but out of my own head — matters pertaining to a business transaction with another concern, with which I was entirely familiar, so that there need not be any hesitation. A lady who was a stenographer, who had never listened to a graphophone, was sent for. She came to my office and sat down to the machine and took off from that graphophone every word, without an error, as far as I could discover.

I asked, yesterday, as to whether the accuracy of the transcript did not depend upon the articulation. I believe it to be absolutely true that it does. Indistinct articulation will be followed by indistinct enunciation by the graphophone, and consequently an uncertainty on the part of the transcriber. The graphophone as it is to-day, as it is perfected, I believe can reproduce sound with absolute verity.

The question, however, arises as to whether the stenographer can use it to advantage. I believe, yes; that a stenographer who is accustomed to dictating his notes can dictate to the graphophone with at least an advantage of $33\frac{1}{3}$ per cent. over dictating to the stenographer. In the first place, his notes are before him, and he knows exactly what he is going to say. If there is any editorial business to be performed in your notes as you go along, you can do that, dictating it to the graphophone, and it can be transcribed, of course, as you dictate. If there are any corrections in your notes, you must foresee such corrections and dictate them to the graphophone. The plurals can be distinguished distinctly enough by articulation, without saying "plural," and I am quite sure that I am correct in that, because I have followed out that matter very thoroughly in my investigations of the capability of the instrument.

There is one trouble in dictating to the graphophone, and that is the distinctness, or the possible indistinctness, in the reproduction of letters and figures. In such cases, sometimes it is necessary to make some remark to indicate what figure or letter is used. "B" or "D," for instance, followed by "Benjamin" or "David," indicates the letter which you have already used. This custom, I believe, is practiced by many who dictate to the graphophone. But here is the trouble generally for business men with reference to the graphophone. In my business, at

the present time, I could not use it at all. The graphophone, while it is able to reproduce articulation easily, is not capable of telling the operator who is transcribing the minutes, in advance, that in a half page or so there is going to be an addition to that letter. Consequently the letter will be wound up by "Very respectfully yours," and by and by you will find a long postscript, perhaps longer than the original letter. Men of business have occasion frequently to write letters to three or four firms upon the same matter, and at different times they have before them correspondence from three or four different persons; they are looking over that correspondence with a view to determining upon the matter to be contained in a contract, and the matter is very important, and as you go along you are substantially convinced that you have completed one letter to one of these firms; you therefore close the letter and begin a letter upon the same subject to another firm which is to enter into the same combination, and right in the middle of that letter you find that there is something that you have omitted in your dictation of your letter to the other firm. You therefore desire to have that written down at once, so that you may not forget it, and you therefore say: "Just make a memorandum. This is for So-and-so." So the stenographer will make a memorandum that this is a modification of the previous letter, and you go on and complete that dictation, and go back to the other letter and complete that, as I have done many a time, adding to the first letter perhaps seven or eight times. An important addition of that kind cannot be given to the graphophone; and that was the only fault of the graphophone. You cannot designate such things upon it so that your amanuensis, or the person who is to take off the dictation, can know in advance that the letter is not completed.

Mr. Cook: Mr. President, I would suggest that that object may be accomplished in graphophone dictation in this way: When you wish to stop in the midst of one letter and dictate an addition for a previous letter, you can state the fact to your graphophone precisely as you could make the statement to your stenographic amanuensis; and when you have dictated the addition, you have simply to write on a slip of paper, "Letter to So-and-so, modified on cylinder number so-and-so," and place this memorandum in the cylinder on which the letter is begun, so that the transcriber will find the memorandum upon taking up the cylinder. If the modification is merely the change or addition of a word or a sentence, you can write it upon the slip without any further dictation to the machine. In either case the notice is sufficient, and you may give notice of as many additions as could be made in the other method of dictation.

Mr. BISHOP: It seems to me that our friend from Brooklyn, the elder Ormsby, has forgotten some things that took place many years ago. The men engaged in putting that machine before the public are good friends of mine. I have not anything to say against it. But when Mr. Ormsby was speaking of getting work done more accurately, with fewer errors, than with a first-rate stenographic amanuensis, I could not quite comprehend it. Now I remember when a very accurate amanuensis used to do, I am perfectly satisfied, just as accurate work as he and his amanuensis can do with his graphophone to-day; the last shorthand amanuensis I had, who was with me for three and a half or four years, and is now the head man with Vermilye & Co., could receive a dictation of a hundred pages, and there would not be a single error in a single word, except perhaps an "a" for a "b." I have done it over and over again. Now, of course, the graphophone is a remarkable machine, and nothing else at present known can surpass it. But I do not think that our friend should allow his present enthusiasm to override his knowledge and personal experience of fifteen years ago or so, and lead him to decry another system of getting out work.

Mr. S. C. ORMSBY: I would like to say that my practical experience bears out the fact that the phonograph is, like the stenographer, subject to limitations. If you dictate too fast you are likely to get bad work, and you have to be very careful in its use. There was another point not touched on in the discussion, and which I would like to hear discussed, and that is the possibility of using a phonograph or a graphophone in expert law reporting. When that was first broached to me I rather ridiculed the idea. It was in a conversation with Mr. E. C. Harry, in Mr. Young's office, and he told me that they had made actual tests. I believe Mr. Clephane and Mr. Young and somebody else had made a test in one of the offices, (I have forgotten exactly which one it was,) in which I believe one person or two persons read some testimony, question and answer, and another man sat at the graphophone and dictated the matter into the graphophone as these people read it off. I was rather inclined to doubt the possibility of doing that, but we made an actual test in Mr. Young's office, at which I was present. Two persons read, and one person sat there and in my presence did succeed in dictating it into the graphophone as it was read, and reading it very rapidly. But we came to the conclusion that it was not practicable to do it in public proceedings, on account of the noise, and on account of the speed limitations and the necessity for accentuating words and denoting plurals, and things of that kind. The noise would be a fatal objection. As the graphophone is now constructed, unless they made great im-

provements in it, it would be utterly impossible to use it in court, because the person dictating into the graphophone would interfere seriously with the conduct of the examination. You really have to raise your voice to quite a pitch to make an impression upon the cylinder. If you lower the tone the record is very bad. I find I have to raise my voice and to speak pretty loudly, almost as loudly as I do in dictating to a typewriter.

Col. DEMMING: When phonographs and graphophones were first introduced commercially I rented four of each, and placed them in my office and gave them a careful and impartial trial for over a year, and increased the number finally to twelve. But I found, after taking into consideration the rental of the machine, the price of cylinders, the cost of electric power, and the numerous mistakes made by the operators, that it would be better to have all of them removed. So at the expiration of twelve or fifteen months I had them all taken out. I found out that there was one advantage. You could do work in the evening. A stenographer could come into the office and dictate to the machine in the evening, and in the morning when the operators came in they could go to work before the stenographers had appeared. I think, however, that latterly, with the improvements in the graphophone and phonograph, and now that they sell them outright without rental, one or two could be used to advantage in stenographers' offices; but I doubt whether they can take the place of the stenographers' best assistant.

Mr. WAT L. ORMSBY, being asked if he desired to make any further remarks in concluding the discussion upon this subject, said:

Mr. President, I only desire to add that it was my intention briefly to state the result of my practical experience and the advantage that I have found in the use of the graphophone, and to say that there are others who have used the graphophone longer, and who, I understand, get a better result than I can now achieve.

Mr. BISHOP: Mr. Ormsby, of course, knows that all the records of the house of representatives are transcribed in that way.

Mr. WAT L. ORMSBY, chairman of the committee on place of meeting, reported that after a long and arduous session the committee had decided that the next meeting of this association would be held in Brooklyn.

Mr. BISHOP: I would like to know how many members of that committee have been heard. I am on the committee, and have had no notice of meeting.

Mr. ORMSBY: We had the meeting this morning.

Mr. BISHOP moved the adoption of the report.

The motion was unanimously carried.

Mr. BEACH: The committee on nomination of officers makes this report:

For president for the ensuing year, JOHN E. KELLY, of Troy.

For vice-president, WILLIAM P. CHERRY, of Brooklyn.

For secretary and treasurer, ARTHUR B. COOK, of New York.

For librarian, Miss M. JEANETTE BALLANTYNE, of Rochester.

For members of the executive committee: LOUIS LOEWENSTEIN, of Troy; JOHN H. WILSON, of Syracuse; ROBERT C. CHAPIN, of Buffalo; Mrs. CLARA A. WHITE, of Elmira; EDWARD J. SHALVEY, of New York.

Mr. BISHOP moved that the chairman of the nominating committee have unanimous authorization from the meeting to cast one ballot for all the nominees as named, and the motion was unanimously carried.

President McLoughlin: The president will consider that ballot as cast, and now has the pleasure of presenting to you the president for the coming year, Mr. John E. Kelly, of Troy.

President KELLY assumed the chair and said: *Mr. President, ladies and gentlemen:* I thank you very sincerely for the honor conferred upon me. I think, however, that the association ought to have insisted that Mr. McLoughlin again accept the presidency in order to complete those measures for which he has worked so successfully. I know if I do my duty half as well as Mr. McLoughlin has performed his that the association will be very well satisfied with my efforts. I shall endeavor to follow closely in his footsteps, and try to have as successful an administration as my worthy predecessor. Again I thank you and await your further pleasure.

Mr. S. C. ORMSBY: Mr. President, while we welcome the new president, I believe we should not forget the old; and I move that this association extend its thanks to the retiring president for the uniformly courteous and considerate manner in which he has treated the members of this association on the floor of the convention, and also for the able manner in which he has conducted the affairs of the association during his incumbency.

The motion was seconded by Mr. Bishop, and unanimously carried.

The PRESIDENT: I would like to hear from my associate in the management of the association, Mr. Cherry.

Mr. CHERRY: I can only say to the members that I thank them most sincerely for the honor that they have bestowed upon me, a comparatively new member. I appreciate it, and

in spite of my apparent callow youth I can assure you that I will do my utmost to promote the best interests of the association.

CIVIL SERVICE EXAMINATION.

The following letter from Mr. Frank H. Burt, of Boston, was read by Mr. Sidney C. Ormsby:

MOUNT WASHINGTON, N. H., *July 31, '99.*

I much regret that my duties make it impossible to meet with you. The subjects and the opportunities for meeting so many veterans, all of whom seem like personal friends to me, would draw me there if business allowed.

I shall be interested to read the civil service discussion, as I was privileged to serve last fall on the first committee appointed in Massachusetts for the examination of applicants for the position of court stenographer. The district attorney for the county in which a vacancy had occurred, Miss Burbank and myself were requested by the chief justice to conduct the examination. Applicants were to be tested, the chief justice said, not only with reference to their ability in shorthand and typewriting, but also as to their general culture, knowledge of court proceedings, and aptness in "catching on" to the meaning of law terms, but the details of the examination were left wholly to our discretion. Two evenings were spent in the work. Extracts from a charge and from testimony, both medical and non-expert, were dictated, a part to be transcribed and a part to be read back immediately. Papers were given out to test the applicants in spelling, punctuation, details of court proceedings, legal definitions, and general education and knowledge of current events, the theory followed being that inasmuch as the court stenographer must be able to take testimony concerning every subject under the sun, the up-to-date character of his reading and study would be evidence of the adaptability of his mind to new topics. Hence, such questions as "State three great American poets," "Name some of the greatest inventions of recent times," "Name several important foreign events of the present year," and the applicant who named, in answer to the last question, the reopening of the Dreyfus case and the czar's peace manifesto, (the latter then barely a week old. I believe,) was set down with good reason as one who kept in touch with the events of the times, and whose mind was of the receptive quality that the stenographer should possess. But the applicant who, though a Latin student, defined "*habeas corpus*" as meaning "after death" would have had to be an exceptionally gifted stenographer to have been considered eligible after that. As a final test four applicants whose courage held out were given an half hour's test in court, all taking the same testimony, while the writer took check notes. As a result of the tests the examiners were

unanimous in the conclusion which they reached, and they certified the three best applicants, stating the order of excellence, and the one who stood first on the list was appointed. The fairness of the test was apparent from the fact that it was found that there was a remarkable uniformity running through the work of the individual candidates, and that one who was poor in one test was generally poor in all, while one who excelled in reading likewise excelled in the court test and in general educational qualifications. Moreover, "the proof of the pudding is in the eating," and Miss Hill, the lady who received the appointment, has been highly commended for her work in the position.

As a matter of history, notice was given to some 20 candidates to appear, seven of whom responded, all women but one. Three women and one man took the court test. The examination attracted some attention in Boston, and was favorably commented on by the newspapers. Its distinctive feature was the fact, noted by Mr. C. C. Beale in the *Phonographic Magazine*, that it was "an examination of stenographers by stenographers." It was, of course, somewhat unofficial and informal, being extra-statutory, and the committee being appointed simply to report their findings to the court for the latter's information, the court not being under any obligation to accept the report, — which, however, the court was pleased to do.

With warmest regards to the members and friends, I am,
Sincerely yours,

FRANK H. BURT.

The secretary then read the following paper:

HOW A MASSACHUSETTS OFFICIAL WAS SELECTED.

BY MISS CORA ELISABETH BURBANK, BOSTON.

Mr. President, ladies and gentlemen: I was very much interested in the discussion last year at the Albany convention regarding the advisability and feasibility of licensing law reporters, which necessarily would involve some species of test or examination into the qualifications and ability of those desiring to perform the duties of official stenographers and professional law reporters.

I appreciated thoroughly the need of such legislative action as would be necessary to bring about the proposed reforms, and I think I also appreciated the difficulty of bringing such legislation to pass. I was accordingly very much surprised, only a few days after my return from the convention, to be sent for by the chief justice of the Massachusetts superior court, who informed me that the office of official stenographer for the county of Plymouth would be vacant shortly, owing to the promotion of

the then incumbent. He also stated that he had come to the conclusion that it was unwise to make appointments to so important positions without a more accurate knowledge of the qualifications of applicants than could be obtained from a mere inspection of their applications, testimonials and endorsements; and he asked me if I would be one of a committee of three to examine thoroughly into the qualifications of applicants, with the understanding that in this way the person best fitted for the position could be secured. He further stated that as the power lay entirely with the justices of the court to make the appointments, no compensation could be given for serving on such a committee; but that he would appreciate such action, and put it on the ground of a duty owed to the profession. I need scarcely say that, although I realized the large amount of time and effort which would be involved in doing such work in such a way as it seemed to me it ought to be done, still, especially after hearing the convincing arguments in favor of similar conditions at the convention, I felt that if I could in any way assist to bring about similar results here I should be very glad to do so; and the examination ensued.

The committee appointed by the chief justice consisted of Mr. Frank H. Burt, the well-known official stenographer, generally looked up to as a leader in advance movements of our profession; Hon. Robert O. Harris, the district attorney for the county in which the vacancy existed, and myself. The examination was prepared by Mr. Burt and myself, with some consultation with other official stenographers, and I append the papers hereto.

I feel that, while I may be occupying a considerable part of your valuable time, this being, so far as I am aware, the first official examination ever held under the auspices of official stenographers for the purpose of filling a position as official stenographer, an account of it may not be out of place in the records of your association, of which so large a portion has been recently devoted to this subject; and it may be that our examination, although necessarily hastily prepared and possibly not exhaustive, may be of some service as a means of reference and comparison on similar occasions.

The chief justice handed us some thirty applications for the vacancy, nearly all of whom were backed by strong endorsements from lawyers and other prominent people. These were notified that the examination would be held on a certain date; and on the evenings of September 13 and 15, 1898, those who desired to take the test assembled at my offices in the Tremont building, where there were better facilities for conducting the examination than there would have been at the court house, in the way of typewriting machines, etc.

Owing to the fact that only a few days elapsed from the time the notices were sent out until the time of holding the examination, some of the applicants were unable to be present; but it was thought best not to postpone the examination, since the appointment had to be made to go into effect the first of October. Eight competitors appeared. The papers appended will show how comprehensive the examination was. The chief justice was quite particular to have the examination of sufficient scope to bring out the general education and culture of the applicant, which will account for some of the questions which are apparently of an extraneous nature.

The papers were given out in the order in which they are appended, and in brief consisted of the following:

- a. Applicant's name and address, together with a number which was assigned to applicant at the outset, and by which all the papers were identified later. This number was drawn by lot, and the applicants filled out their application-blanks with name and address, together with the number drawn, sealed it in an envelope, and handed it to the examiners. Until the examination was completed it was not known from the papers themselves to whom they belonged. This insured absolute fairness.
- b. Shorthand test; a portion of a charge to the jury, dictated at the rate of one hundred and twenty-five words per minute, and immediately transcribed on the typewriting machine.
- c. Second test in shorthand, in two parts: one, dictation of testimony at the rate of one hundred and twenty-five words per minute, to be immediately read back; another, dictation of testimony at the rate of one hundred and fifty words per minute, to be transcribed on the typewriter. All the applicants took the dictation at the same time. District Attorney Harris dictated the first test (the charge to the jury,) and the second test, consisting of testimony, was dictated by Mr. Harris and myself, Mr. Harris reading the questions, and the answers being read by myself. The reading back of the first part of the second test was done in turn, each applicant being called separately into another room and there reading to the committee. The transcription on the typewriting machines was all done at once, a reasonable length of time being allowed for completing the work.
- d. Qualifications blanks; which gave quite a definite statement of the applicant's education and experience.
- e. A test in spelling and punctuation.
- f. Legal terms and expressions to be defined.
- g. Questions on the duties of a court stenographer.

- h.* Questions on legal proceedings.
- i.* Miscellaneous questions, to bring out contestant's general knowledge.

These papers were all mimeographed in sets and furnished to competitors as fast as they could take them up. These examination papers comprised seventeen mimeographed pages.

The ranking was on the following basis:

Test *b.* — Dictation of charge to the jury, 125 points.

Test *c.* — Dictation of testimony, 150 points.

Test *e.* — Spelling and punctuation, 65 points.

Test *f.* — Legal definitions, 50 points.

Test *g.* — Duties of court stenographer, 40 points.

Test *h.* — Legal proceedings, 20 points.

Test *i.* — General culture, 100 points.

Neatness of papers, 50 points.

Miss Clarissa L. Hill proved to be the successful contestant in the two evening tests, but there was a very small margin between the result of her work and that of several others, and it was decided to give an additional test by taking the applicants into court and having them make a report of the testimony, Mr. Burt taking check notes. This testimony was immediately afterward transcribed. Although it did not form a part of the originally contemplated examination, it confirmed the results of the previous tests, and the work of Miss Hill in her official position has borne out the wisdom of the method of appointment.

The answer of Miss Hill to one of the questions in the examination is perhaps indicative of the lady's characteristics. In defining the legal terms and expressions, of which, by the way, she showed a very good knowledge, she came to one evidently new to her. Instead of leaving a blank, as most of the contestants did under similar circumstances, she wrote, "I don't know, but I will find out." Perhaps this in itself may go far toward showing why Miss Hill was the successful competitor. Does not this contrast favorably with the listless indifference of too many stenographers who wonder why they do not achieve a greater measure of success?

I have appended for the sake of making this paper complete the examination papers in their order, and the selections of charge and testimony used for the dictation. For the purpose of sustaining a uniform speed in dictation, the matter was marked off in sections of twenty-five words each; and Mr. Burt tapped off each ten seconds in one case and each twelve seconds in the other, by the watch.

While there have been cases where the ability of applicants for official positions has been to some extent tested by requiring them to go into court and make a report of the testimony and

submit it to the parties in the case, it seems to me that such a test is not sufficiently detailed or exact to be considered a real examination, and I feel quite proud to have participated in the first official examination of this kind, and I hope that this somewhat cursory account of it may not be uninteresting to those of you who have similar subjects under consideration.

It was my intention to be with you at this convention in person, but circumstances which I could not control have prevented it. You may be sure that your association has no more sincere friend than myself.

A.

Date.....

Applicant's No.....

Name.....

Business address.....

Home address.....

Enclose this in the envelope furnished, which must be sealed and handed to the examiners with your first paper.

B.

(To be dictated at the rate of one hundred and twenty-five words per minute.)

Mr. Foreman and Gentlemen: The plaintiff says that in this case it is entitled to recover from the defendant money which it says the defendant (25) has received from it under circumstances that it claims entitles it to recover, and it says that the circumstances are these: That the defendant, being (50) a director of the company, of the corporation, undertook to buy up claims against the corporation, and did buy them up, and took an assignment (75) of them at a discount and then charged them to the corporation, turned them over to the corporation, at their full face value or amount; (100) and that although there was a vote of the directors relating to the matter, yet this was not done in good faith; it was not (125) done with due regard to the office which the defendant held in the plaintiff company. That the defendant was one of the directors of the (150) Fort Payne Rolling Mill, the plaintiff in this case, there is no question. That the business of that corporation was being conducted by a board (175) of directors under the law, there is no question. You will readily see, gentlemen, that the business of a corporation must be done by some one. (200) A corporation is an intangible, invisible thing. It can't act itself. Some one must act for it. It acts through its servants, its agents, and (225) here in this case there is no question made that the corporation acted through its directors, that they were the ones charged

with the management (250) of its business, and that they were carrying on the business of this corporation. So far there is no dispute.

The plaintiff claims, as I (275) have suggested to you, that the defendant, in the way which has been described, got money which belonged to the corporation, and refused to return (300) on demand. If that is so (and upon the plaintiff is the burden of proving its case; you have been told that so many (325) times, it is hardly worth while for me to repeat it now), if that is so, if the plaintiff has maintained the action here by (350) a fair preponderance of the evidence, then your verdict would be for the plaintiff, and you would assess the damages in the amount which you (375) shall find to have been wrongfully withheld, with interest at the rate of six per cent. from and after any demand that was made down (400) to the time of your finding the verdict; but if the plaintiff has failed by a fair preponderance of the evidence to prove its claim, (425) then your verdict will be for the defendant.

Gentlemen, put yourselves in the place of these directors of that corporation, for it comes to be (450) a question of good faith on their part, and especially so far as the defendant is concerned — good faith on his part. How are (475) you to determine this? Put yourselves in the place of these gentlemen. Suppose you had been directors of that Fort Payne Rolling Mill at the time (500), in the spring of '91, what would you have done? What, under the circumstances, would you have done? It is not for us to (525) say now to-day, what we would do to-day, and then what we should have done then; but at that time, putting yourselves back as near (550) as you can, getting at the situation as it was in the spring of '91, what do you say you would have done under those (575) circumstances? In order to determine that must you not inquire into what the condition of the company was? The director of a corporation is not (600) forbidden under the law to make a contract with the corporation, under all circumstances. The president of a corporation may be a director, and entitled (625) to a salary.

(Caption:)

Fort Payne Rolling Mill

v.

Before
Hon. Justice Fessenden
and a Jury.

Hollis B. Hill.

For the Plaintiff — W. H. Baker.

For the Defendant — J. W. Spaulding.

April 27, 1898.

C.

Second test:

(a) Dictation, 150 words per minute, to be immediately read back.

(b) Dictation, 150 words per minute, to be transcribed.

(a)

Q. What is your name? A. William Hickey.

Q. Where do you reside? A. Brookline.

Q. What street? A. Boylston st.; 305.

Q. Is that the place at which you (25) resided at the time of the accident? A. Yes, sir.

Q. You are the plaintiff in one of these cases? A. Yes, sir.

Q. And the other plaintiff is (50) your wife? A. Yes, sir.

Q. Your wife's name? A. Jane.

Q. What is your occupation? A. A harness maker.

Q. And your place of business? A. I work for M. W. Smith, (75) Brookline.

Q. How long have you worked for him? A. Six years the 11th day of April.

Q. How long have you been married? A. Since '71.

Q. And Mrs. (100) Hickey is the wife you married at that time? A. Yes, sir.

Q. Where have you resided since your marriage? A. Portland, Maine.

Q. How long did you reside (125) there? A. Until the 12th of November; I went to New Hampshire, and worked there until the 7th of April, in '92, when I came (150) to work for Mr. Smith.

Q. You and Mrs. Hickey have lived in Brookline from '92? A. We lived one year at Cambridge after we first (175) moved here.

Q. With that exception? A. Yes, sir; we have been in Brookline four years this August.

Q. How many children have you had? A. Twelve.

Q. How old (200) is the oldest? A. The oldest living is twenty-two past, I think; there is one dead that was older.

Q. How many living now? A. Six living (225) now.

Q. Now, do you remember the time of the accident? A. Yes, sir.

Q. What was the day? A. The 17th of May.

Q. What year? A. '96.

Q. Now, (250) will you describe your trip from your house? Did you take a car at your house? A. Just above, at Cypress street.

Q. What was the car? (275) A. An open car.

Q. And what was the route of the car; the name of the route?

A. I don't know; oh! Cypress street car, — I think (300) so.

Q. You started out on that day, the 17th of May, and took a car where? A. At Cypress street.

Q. And proceeded where? A. We were going (325) to Cambridge.

Q. What course do you take to Cambridge? A. We would get off at the Library, and cross over there and take a car.

Q. Coming down Huntington avenue? A. Yes, sir.

Q. You came down Huntington avenue that day; what day of the week was it? A. Sunday.

Q. Will you state to the (375) jury what occurred from the time you arrived at Massachusetts avenue to the time of the accident? A. The car, as it generally does, came along (400) and picked up everybody. Of course, it was rough there. They had been cutting up along the road, fixing it up. We came to this (425) place where he had to go up.

Q. Where was that? A. Just this side of Massachusetts avenue.

Q. Where were you sitting? A. We were sitting, I think, (450) about four or five seats from the front.

Q. In what part of the seat? A. I was sitting on *this* side, right *here*, and she was (475) *here*.

Q. You were on the outer side? A. Yes, sir.

Q. On the right-hand side? A. Yes, sir.

Q. As you were coming down? A. Yes, sir.

Q. And Mrs. Hickey sat next to you? A. Yes, sir.

Q. How many others were sitting on the seat? A. There (525) wasn't anybody on the seat. I think there were four ahead and four or five behind.

Q. What time of the day was it? A. That I (550) cannot tell exactly; it was somewhere between half-past two — from two to half-past two. The next time I looked at the clock when I (575) got into the city here, it was either quarter of three or quarter past three. I remember that.

Q. Now tell us about this rise (625) that you spoke of. A. Well, there was a rise — what they generally have when they are fixing the roads; I have gone over them so much that I did not pay much attention to it. There was a rise they came up on, and then the car had to jump over (650) to get on the track; she went up once or twice and didn't go over; and when it did go over, it jumped off the (675) track and came down solid. My wife jumped and screamed and said that she was hurt dreadfully.

Q. When did she tell you that? A. Right then, when (700) the car went over.

- Q. What did you do then? A. Well, I stood right up.
 Q. Where did you go? A. We got right out of the car. (725)
 Q. Did you help your wife out of the car? A. Yes, sir; I had to help her, because she was not able to get out alone. (750)

(b)

- Q. What is your name? A. Eugene M. Holden.
 Q. What is your profession? A. Physician.
 Q. Where is your residence and place of business? A. 203 Huntington avenue.
 Q. How long (25) in practice? A. Six years and a half.
 Q. At what schools did you obtain your education? A. At the Harvard Medical School.
 Q. And where else? A. Boston City (50) Hospital; and I was a year in Germany in the German Hospitals.
 Q. When did you begin your studies? A. In '86.
 Q. And you are a member (75) of the Massachusetts Medical Society? A. Yes, sir.
 Q. What were your duties at the City Hospital? A. Surgical house officer.
 Q. How long were you in that position? (100) A. One year and a half.
 Q. Were you called in to see the plaintiff in this case? A. I was.
 Q. When were you called in in reference (125) to the accident? How long after? A. About four hours, I think.
 Q. Where did you find the plaintiff? A. At her home.
 Q. In South Boston? A. Yes, sir. (150)
 Q. As I understand, Dr. Brown was absent, and you were looking after his practice, at his request? A. Yes, sir.
 Q. And when Dr. Brown was sent (175) for by Miss Hogan, you answered the call? A. Yes, sir.
 Q. Did you find her at her residence? A. Yes, sir.
 Q. Now state what examination you made, (200) and what you saw? A. I found Miss Hogan sitting in a chair, with her foot resting in another, complaining of pain in her right knee. Upon examination there was a slight abrasion, scratching, roughening of the skin, an inch and a half below, in front and to the outside of (250) the knee—patella. It would be about *there*.
 Q. What was that abrasion? What did it amount to? A. The skin was just broken. Perhaps this mark (275) was three-fourths of an inch long and perhaps one-fourth inch wide, where the skin was scraped.
 Q. The skin has three layers? A. It was (300) deep enough so the blood just pricked through.
 Q. Did you notice any swelling? A. There was no swelling.

Q. Or any other discoloration than this abrasion? A. Not (325) at the first visit.

Q. Did you listen to see whether there was any sound or crepitus? A. There was no crepitus.

Q. Now, what is crepitus? A. The (350) grating of two fragments of bone, as you rub one over the other.

Q. If there had been any letting out of the lubricating stuff that (375) is in every knee — A. Synovial fluid.

Q. If there had been, could you have observed any grating in flexing the knee? A. Probably not.

Q. Did you notice (400) anything about the knee abnormal, except a slight abrasion? A. No, sir.

Q. Is it true that the plaintiff told you that she felt pain in flexion? (425) A. Extreme flexion caused pain.

Q. Did you look and make a careful examination of her? A. Yes, sir; I did.

Q. How long were you about it? A. Half (450) an hour.

Q. Did you ask her about her previous record as an individual? A. I did.

Q. What did you discover? What did she say? A. She stated (475) that she had had some years before a bone abscess of her right arm, an abscess of the right arm which involved the bone.

Q. What (500) did you do as a matter of treatment then? A. I applied a ham splint.

Q. What is that? A. A splint, in her case, about eighteen inches (525) long, made so as to fit the leg, somewhat curved so as to go on the back of the leg, with bandages.

Q. What purpose does (550) it serve? A. To immobilize the joint.

Q. To keep the joint solid? A. Yes, sir.

Q. When did you next see to it? A. Three days after.

Q. What did you (575) do then? A. I removed the splint and examined the knee again.

Q. Will you state what you found then to be its condition? A. The condition was (600) not materially changed. There was about this abrasion a discoloration of the skin, perhaps the size of a five cent piece.

Q. Was there any swelling (625) then? A. There was no general swelling. Of course, there was a slight swelling at the point of injury.

Q. Did you find any indication of any (650) effusion into the joint or about the joint? A. There was none.

Q. When did you next see her? A. About a year and a half later. I (675) could not say exactly. I have no record of it.

Q. State the circumstances of that visit. Where was it? A. It was at my office.

Q. What (700) did you find to be her condition then? A. I could discover nothing abnormal about the limb.

Q. Did you test the mobility? A. Yes, sir; I did. (725)

Q. How did you find the movement to be? A. The limb went through the normal motions, but caused some pain.

Q. Did you find any enlargement? A. None.

D.

Applicant's No.....

Age.....

State the extent of your general education, giving the highest school you attended and the course of study pursued.

State particulars of your stenographic education.

State how long and in what capacities you have been engaged in stenographic work, and what experience you have had in verbatim reporting.

D.

Applicant's No.....

State whether you have studied any language other than English; and, if so, whether you are able to read or speak the same.

State the condition of your

(a) general health,

(b) eyesight,

(c) hearing.

State whether you use alcoholic stimulants of any kind; and, if so, to what extent.

State whether you operate the typewriting machine; and, if so, how many words per hour, upon the average, you can transcribe accurately from your notes.

E.

Applicant's No.....

SPELLING AND PUNCTUATION.

Some of the following words are misspelled. Rewrite such correctly, doing nothing with those you think correct.

argueing	littigation
attachment	appellate
chargable	alegation
neglegance	adjudicate
exibit	estopple
gymnastics	subpcena
jurisdiction	demurer
judicial	irrelevant
mallicious	negociate
municipal	peremptorily

metallic	interrogatory
investigate	affidavit
noticable	replevin
meningitis	irreparable
nurosis	testator
nuresthenia	insolvensy
judgment	apprehension
dissapointment	machinary
exagerate	contingency
nominal	exhort
diminution	pendency
faithfull	ineligible
deffinite	unskilful
dilatory	hemorrhage

Insert punctuation marks in the following:

The revival of learning commercial rivalry and religious zeal in Europe led to Columbus discovery of America in 1492

Conflicting territorial claims and parental animosity involved English French and Spanish colonists in wars culminating in English supremacy in 1763

Englands oppression alienated colonial affection induced revolution hastened independence Common cause and danger begat colonial union the weakness of the confederation demanded a federal republic.

Party differences tempted legislation Negro slavery precipitated civil strife secession emancipation federal authority supreme reorganization succeeded

Religious freedom an unmuzzled press invention internal improvement and universal education have conspired to prosperity at home and honor abroad

F.

Applicant's No.

Define the following legal expressions:

Litigation. Appellate court. Alibi. Plaintiff. Defendant. Eminent domain. Capias. Habeas corpus. De bene. Deposition. Ex parte. Ad damnum. Execution. Stay. Empanel. Indictment. Declaration. Answer. Pleadings. Charge. Opening. Closing. Traverse jury. Grand jury. Verdict.

G.

Applicant's No.

DUTIES OF A COURT STENOGRAPHER.

1. State what a stenographer should do when a witness speaks too rapidly for him to report verbatim.

2. State what a stenographer should do when directed by the Court to "strike out" a portion of the testimony.

3. State the duty of a stenographer with reference to marking exhibits, and how to avoid mistakes in properly numbering the same.

4. State what portion of the proceedings in a trial are required to be taken by the stenographer.

5. State how the stenographer's notes should be indexed for immediate reference during a trial.

6. Rewrite the following testimony in narrative form:

Q. What is your name? A. John Millard.

Q. You are the plaintiff in this action? A. Yes, sir.

Q. Where do you reside, Mr. Millard? Where do you live?
A. Well, since the first of January, I have been in Brockton.

Q. Living with friends there? A. Yes, sir.

Q. You have had your home in Boston for some years? A. I never worked in Boston before I hired in with the West End; I generally used to make my home in Bath, Maine.

Q. You hired with the West End when? A. About the last of September, '96, as near as I can remember.

7. State what the stenographer should enter in his notes when a witness indicates an object or a distance by gesture, without describing the same in words.

8. State what the stenographer should do with reference to taking notes when a witness is called to the jury rail to describe a plan or model, and does not speak loud enough to be heard by the stenographer.

9. State what a stenographer's notes should show with reference to objections to and rulings upon matter contained in depositions.

10. State the stenographer's duty when appointed commissioner to take testimony in equity cases.

H.

Applicant's No.

LEGAL PROCEEDINGS.

1. What is "taking an exception," and what is the purpose of it?

2. State the terms by which the parties to the following classes of legal proceedings are described:

(a) Actions at law.

(b) Criminal causes.

(c) Writs of entry.

(d) Divorce proceedings.

(e) Proceedings for assessment of damages for taking of land for public uses.

3. Name the different stages in the examination of a witness, and by whom conducted.
4. State the order of proceedings in the trial of a civil case.
5. What is meant by a *hypothetical question*?

I.

Applicant's No.....

MISCELLANEOUS.

1. Name three American writers in each of the following classes, together with a well-known work of each writer:

- (a) Historians.
- (b) Poets.
- (c) Novelists.

2. Name some of the most important events of 1898, domestic and foreign.

3. Name three of the greatest modern inventions, and the inventor of each.

4. Rewrite the following selection, improving where desirable, but taking care to preserve the speaker's thoughts:

Mr. Chairman, Ladies and Gentlemen:—I have had great pleasure in this visit. After a great many years it has been a great pleasure to see the face of persons that I have had association with at various periods of time, some whom I knew as young friends in the days of my youth, but now I have to pick out under hairs that begin to be gray and faces that beam upon me with smiles that I recognize. It is a great thing to be here and see my friend, as I did to-day, Higginson, whom I have known such a very long time, gallantly standing as a representative and standard bearer of the old Free Religious Association.

5. Give the authors of the following quotations:

- "A laugh is worth a hundred groans in any market."
- "To be or not to be, that is the question."
- "Better fifty years of Europe than a cycle of Cathay."
- "An honest man's the noblest work of God."
- "Though the mills of God grind slowly,
Yet they grind exceeding small."
- "The borrower is servant to the lender."

6. State various ways in which, in your opinion, the world has benefited by the general diffusion of shorthand and typewriting.

7. Name a military or naval hero of each war in which the United States has been engaged, stating the war in which he served, and some event with which he was associated.

8. Name three great musical composers, giving the nationality and some well-known work of each.

9. In what countries have the fine arts reached their highest development

- (a) In ancient times,
- (b) In the Middle Ages,
- (c) At the present day.

10. Name the greatest American statesman, in your opinion, and give your reasons.

The PRESIDENT: The general discussion of this subject will be opened with a paper by Mr. George R. Bishop.

Mr. BISHOP: Mr. Chairman, I have no paper to read. In the first place, I have not had any time to prepare one. In the second place, I have not been much inclined to do so; because it seemed to me that in the presentation of a practical subject of this kind a brief discussion would be entirely sufficient; and it was only in one contingency that I proposed to offer any contribution to such a discussion; that is, the contingency might arise that somebody might question the value of the competitive system for determining the efficiency and fitness of applicants for official positions in stenographic work. I understand that it has been customary, until very recently, in my own state of New York — I think it has been uniformly so throughout the state — to appoint the official stenographers of the state without competitive examination, and on the supposed knowledge of judges making the appointment, that the appointees were of sufficient qualification. There have been instances in the city of New York — there is nobody here, among the officials of New York city, who illustrates in the slightest degree that fact — there have been instances in the city of New York — and not only I, but others who are here, know or have reason to believe that such is the fact — when some provision like a wise competitive test imposed on applicants for such appointments would have been of value to the public service. I don't know that it exists to the same extent now that it did years ago; probably it does not; but I remember very distinctly, many years ago, taking check notes with a gentleman who had for years been an official stenographer in New York city — who was one of the oldest officials, I believe. It happened that it was a very important reference — an old steamship case, as I remember — and we had done, as we often do in New York where one side engages one stenographer and another engages another, for special clients — if each stenographer is satisfied with the competency of the other, those stenographers, without necessarily bringing the parties into the knowledge of the fact, exchange copies, as it is called; that is, *e. g.*, I take notes for an hour, and I give a copy of my transcript to the one who is

taking for the other side; he takes the notes for the next hour and does the same for me. In this case we had done this, and on the last day were nearly even. I was 15 or 16 pages ahead; and, that being about the last day's record, I suggested that he give me the copy, he getting out the record, to which he agreed. It so happened that I went to his office, and he began to dictate this testimony, and for some reason I began to follow him, and I began by saying, "I see you omitted so and so." He agreed that my fuller report was accurate, and accepted my suggestions. He went on for a page or two, and the omissions were so plain and so numerous that I should think he had left out nearly twenty-five per cent. of the work. I said, "You would better let me dictate that. You didn't get quite all of it, evidently," and he consented. And I went on and dictated the matter to his amanuensis. A good competitive examination would have, in all probability, shut him out.

I don't suppose that that condition exists at the present time to the same extent, if at all; and very likely the present system of appointment, defective as I believe it still is, has something to do with that. I know very well the gentleman, a member of the bar, who has been chairman of the committee on examinations in the city of New York. I have always contended (and I have contended to him) that the most appropriate set of examiners that could be had, for determining the fitness of applicants for such official positions, would be well known (probably official) stenographers in the city of New York. But that was not the condition there; the committee was composed wholly of lawyers; I think there were three lawyers. This chairman stated to me, with very great admiration, the splendid manner in which a former member of this association, well known to those present, who had been an official stenographer (Mr. Guy,) met every test to which he was subjected. In such a case — one so perfectly clear and unambiguous — I am willing to concede that a committee of lawyers might do very well as examiners; but in such a case as that to which Miss Burbank has called our attention, and the details of which she has appended to her paper, I think it must be clear to everybody in this room that the test, in its substantial effectiveness, would be the result of the knowledge, for purposes of examination, of the stenographic members of the committee; in that case two stenographers of the superior court of Massachusetts, who framed the questions after consultation with some of the other officials in that state. I think we could have no better object lesson, possibly, in support of our contention (and I think it would be the contention of every stenographer here) that the examining board should be composed largely, if not entirely, of official stenographers, or stenographers of eminence — men of

well-known ability and qualification. I see no harm in having associated with them a member of the bar — say the district attorney, as in the case in question. But there are districts in which the district attorney would not accept such a duty at all (he is too much occupied,) and it is doubtful whether any of his prominent assistants would want to assume it. It would be turned over to some "under-strapper," as we call him, and it might be somebody whose knowledge and judgment were so limited as to render his aid valueless.

I do not understand, Mr. Chairman, that any contention is raised here that these examinations are not fairly practical; no doubt, as Mr. Morrison's paper in 1898 showed, they are becoming more so. Everybody, of course, who is familiar with the history of civil service reform knows that at the beginning a serious evil was met, and it is not "past history" yet. For instance, Mr. Andrew D. White, the present minister to Berlin, meeting some years ago a congressman whom he knew very well, and whose abilities he prized very highly, said to him: "Why don't you discuss this question which is now before the house, and with which you are familiar, and on which you could enlighten the house?" This member of congress held out about fifty letters, and said: "How can I? Here are fifty letters from constituents of mine. Each one of them applies for an official position in the government, for himself or for a friend; and each one of these has got to be answered or attended to."

The purpose is not only to secure efficiency in the appointees, but a democratic method; that is, to give unprejudiced and impartial and non-partisan examinations, such an examination as will give every man, whether democrat or republican, or a member of any other party, an equal chance on the basis of his abilities for a place in the public service. That is not the only point. Another is that the great departments of the executive and the legislature shall not constantly interfere. In the old times Montesqueiu, looking upon the Spirit of the Law as a divine thing, held before him as his high ideal the right adjustment of its different branches; and every one who looks at the condition of things in England, from that time to this, and who notices the peculiarities of the Dreyfus trial to-day in France, where witnesses, instead of giving facts, give their opinions — every man is an expert, and everybody seems to be conscienceless — under these circumstances everybody must thank his stars that we have derived our jurisprudence, not from one of the Latin races, but from old England. In jurisprudence Montesqueiu had that English system as his ideal, and he discussed that point of the clear separation of the executive, the legislative and the judicial departments. It is in aid of continuing that separation, for one thing, that this system has been

promoted. Where congressmen, legislators, men who are purely members of the legislative department, are continually interfering with the executive department, with which they have no business, for their friends or friends of their friends, of course at least one department, the legislative, must be less well looked after than it otherwise would be; and the executive is likely to be interfered with in a very dangerous and injurious manner. The whole system is to secure in the simplest and most impartial and most effective way the appointment of such persons as will promote the interests of the public service. The whole thing is peculiar. And one thing admirable about it is, that instead of putting into office people with "pulls," people so often without ability, in this way everybody comes before an examining committee, and, his name being anonymously noted on paper, it is practically a test on the merits strictly; that is, if the examination is properly conducted. That is one of the great advantages of the system. But I do not propose to enter, if no discussion is raised on that point, into any controversy. There is no occasion for discussing it further, because none has been raised; and unless somebody presents views in opposition to the general system I have nothing further, that I know of, to say. We know, of course, that from time to time attacks on the system are made in congress, efforts made to cut off the appropriation. But luckily the system has gone on; the appropriations have not been withheld; the present governor — I speak of him as a personal friend — was formerly one of the commissioners in Washington, knows the merits of the system, and has sought to strengthen it and improve it, and the law with us has been improved. The law of this state, called the White bill, is on our statute books. The utterly worthless and disingenuous "Black law," so-called, was superseded, and the fact that in Massachusetts, where so many good things have begun, a more perfect and far more scientific system has been adopted for examinations of this sort is a fortunate event, not only for the stenographic profession, but for the efficiency of the public service in judicial matters.

I do not think I have anything further to offer.

MR. DUDLEY J. FAGAN: I agree with Mr. Bishop in his very clear statement of the principle of the civil service, but I have been through nine civil service examinations within three years, and my remarks will deal largely with the practical end of the examination itself. I have taken them for the state courts, and for the municipal courts, and for the court of claims.

Under the very vile Black law it was almost impossible to get the position on merit. One of the members of this association headed a list in New York, and after a very severe and very

close examination, those who had passed were called before the appellate division and examined by judges Barrett and Ingraham. I have no reason to doubt that the man who stood first on the merit list did equally well on the so-called "fitness examination," but he was not appointed, and the fifth man on the list was. Since the White law is passed, we are to be chosen in the order in which we stand. But there is one clause in the law which might be objectionable, and which has something in its favor, too. I refer to the clause that provides that during a probationary period of three months the appointing power may discharge without even assigning any reason for discharging. The result of that, if abused, would be that the man standing first on the list, for instance, would be appointed, and give up another position in order to take the place, and after a period of say a month or so discharged. I suppose it is apparent to most of you that it is a very easy thing to find fault with the stenographer, and to prove technically that he has made some mistake on which to base a discharge. The result will be that should another man happen to be a favorite, who is next below him on the list, that man would be appointed. So the effect of that would be that the whole intention of the law would be wiped out; because, if the man who stood first on the list won in the actual test, and his character was certified to and found to be all right, it is quite fair to presume that he would do as good work in court.

On the other hand, that clause is a very good clause, for this reason: a man might have superior ability as a shorthand writer, and he might in other respects, touching his personal character, be unworthy to hold the position, or unreliable—not to be depended upon. In that case the appointing power could ascertain within three months whether he was untrustworthy, and if he were found to be so could get rid of him. So it is very difficult for me to determine impartially whether it is for the best or whether it is not.

MR. BISHOP: Let me ask a question right here, so that we may not take time over it. Suppose that were wiped out, as it ought to be, are there not other clauses under which an incompetent, unfit, characterless man might be stricken out from the position?

MR. FAGAN: There are other clauses, and it has the general power of removal clause,—stating the reasons therefor, and after a hearing; but this would give them the additional advantage of getting rid of a man without any hearing, one way or the other, whether he was good or whether he was not. If a judge should make up his mind to the effect, "Why, I don't want him here; I can't trust him"—just make up his mind to

that—he could let the man go. But under the power of removal clause he would have to say why he could not trust him. That is the distinction.

Mr. BISHOP: Yes, I understand the distinction.

Mr. FAGAN: Now in regard to the examinations themselves, I have about made up my mind that they should be conducted by stenographers. I think the state board and the municipal board in New York city intend to be fair. They have a very good method of examining. But some of the examiners have unintentionally done some of the applicants a great deal of injury, through not being familiar with shorthand work. The man who dictates to a body of men to test their speed should be a man in the business, used to dictating shorthand notes—a man thoroughly acquainted with the amount of time it takes to dictate a certain number of words; so that the applicants may not be handicapped, and there may not be any hesitation. The main point that I wish to urge is that if there should be say forty applicants in a room a little larger than this there should not be read to, at one time, more than twenty. In that event the full twenty could come within perfect hearing distance of the speaker, whereas in the other case the last two or three rows, either to the right or to the left, are bound to lose one or two words; and it is not the losing of the words that counts in an examination, but it is the effect that it has on you after you have lost them. If you lose two or three words by not actually hearing them you lose six or seven more through fright. I would suggest that the man who dictates be a stenographer, who is accustomed to doing actual work and dictating all the time. I would also suggest that the commission have power, in the case of an apparently close contest, to turn the papers over to shorthand writers. In some of the last examinations that I took, six or seven of us, heading the list, differed by .20, .5, .8. I do not think a man unacquainted with reporting can determine absolutely that fine distinction. There would be little things about the papers that would appeal to the shorthand man, to prove one man a little better than the other, and where six of us stand so close at the top of the list it is only fair to give every one the advantage of every little thing in his favor.

I cannot suggest anything else; but I think the most important fault is the dictating to more than about twenty at one time. The room the examinations are held in, in New York city, both for the state and for the city itself, is about as long as this, and about ten feet wider. You can easily see that a good many men would be away in the back of the room, where they ought not to be, on such a severe test.

I will conclude by saying that it is my personal opinion that some of the subjects we are called upon to take should be elimi-

nated. I do not think we ought to be tested in arithmetic. It does not amount to anything, and it will catch a man and annoy him. Some little problem in percentage will throw him down and take his mind away from his shorthand work, and it does not test anything. The examples that I was given to do did not test any knowledge of arithmetic on my part, to speak of. I do not think there ought to be any test or any marking at all for penmanship, for the reason that it is not used, or very rarely used, if at all. Most of our work is done, as we all know, by the graphophone or direct to the amanuensis, or direct to the typewriter. In a case that I know of myself, an applicant passing the examination stood quite high on the list, and would have stood much higher but that his penmanship had been graded down. His hand was legible — perfectly legible — no difficulty in reading it, but that distinction was made. Some one else may have written a little better, a little prettier, I might say, and yet not have done as well in shorthand, and in that way his percentage was affected. I think everything should be eliminated from the examination except actual work that is necessary to be done in the court.

And I would add (it is suggested to me by listening to the paper just read) that in place of arithmetic and penmanship, I think the contestants might better be asked to define the meaning of different legal terms. In the state examination we are asked what are the duties of court stenographers, but we never have been asked the meaning of different legal terms.

I do not know that I can suggest anything further. The observations I make are the result of the examinations I have taken.

Mr. HUTCHINS: To what extent would you suggest that the legal examination be given?

Mr. FAGAN: The ordinary terms that a man is likely to encounter in an ordinary reference or an ordinary trial or a simple argument. I cannot just define all of them now, but there may be twenty that you will come across. It is not imperative, but I think it would be better and more suitable than the arithmetic and penmanship, which have nothing at all to do with the immediate work in hand.

Mr. ROSE: Theoretically speaking the stenographer is to take whatever comes to him. He must have the speed to do it, he must have a knowledge of spelling in order to put it on paper correctly, and also a knowledge of capitalization and punctuation. That is true in theory. But when it comes to practice, the stenographer has not only to do his own part, but he must correct the lawyer, he must correct the witness, he must have considerably more knowledge than the simple ability to

put on paper what comes to him. As far as arithmetic is concerned, or writing, I cannot see that they have anything to do with his business. If a man misstates in his figures how is the stenographer to know what the man wanted to say? When it comes to writing the typewriter has so completely replaced penmanship that I cannot see why a stenographer should be examined with regard to penmanship. When it comes to the question of legal terms, I think the stenographer should have a certain vocabulary — should know a certain number of legal terms that are frequently used. If you should carry out the requirement that a stenographer should know the meaning of all legal terms, then you might say he should know the meaning of all medical terms, he should know the meaning of all terms used in electricity and various other lines. He cannot escape them. He has got to meet those terms. But if he knows where he can find those terms, assuming that he is familiar with two or three hundred, say, of those frequently used medical terms and words used in other sciences, if he knows where he can find the balance of them, I think that is sufficient. He has got to rely on reference works. Life is too short for a stenographer to acquire a knowledge of all the sciences and subjects he is required to meet, and therefore I think that the examination of a stenographer for a position in court should be conducted by a stenographer. A man (as my friend expressed it in his paper last year) might write four hundred words a minute, and with the pen of an angel, and if he is not a man of judgment he is lost. He cannot do anything. My idea is that as far as civil service is concerned the judges should prescribe the test to be given to the stenographer for a position in their courts. I do not believe that any theoretical examination conducted by the civil service commissioner at Albany will determine a man's fitness for a court position. In the country districts, where the stenographer travels out on the circuit with the judge, I think it is not only due, but it is certainly fair, to the judge that his voice should be considered more than any special feature in an examination, in regard to who the stenographer shall be. Now if the judge did not want me I would not want to stay. Even if the civil service authority should place me in a position, I would not want to stay in that position. In the city it is different. In the city you are not associated so closely with the judges, but on the circuit, in a country district, the stenographer performs a great portion of the duties that are performed at home by the personal stenographer, and for that reason I think that it is so close to a confidential position that the judges should prescribe what examinations should be made for the position.

Mr. LITTLE: Mr. President, I am not here to take part in a discussion of this kind, really, but still a thought has occurred to me, and I may not be out of place in attempting to make it plain to the association. It is this: that while an examination may be had to determine the proficiency of a reporter, I do not think that the proper method of examination has been stated. The last speaker has stated that it is often necessary to correct an attorney in the courts, and to correct a witness. In regard to the former, I believe him to be correct, but I do not believe it is the province of any stenographer to correct whatever a witness may say. If he makes a bull, it is his difficulty. You have no right to correct him, and you should produce exactly what he says. As to his examination in mathematics, I believe it to be of the greatest importance, because even at the present time there are some who cannot compute folios correctly, and if they are deficient in mathematics they would be liable to over-rate the number of folios, and therefore not obtain a proper compensation for their work. That has often happened in this district. There is this that I am tempted to say: that I believe an applicant should be examined upon the reproduction of articulate speech; and for the purpose of properly examining a candidate, I believe that a language foreign to him should be pronounced, and he should be required to write it down and to read it subsequently, although he has no knowledge whatever of what he may be reading. For the purpose of producing such a test, I believe that a Hebrew scholar (I prefer a Hebrew scholar to a Hebrew) should be obtained, for the purpose of reading for a certain length of time (we will say, from five to ten minutes) at a proper rate of speed, so that the applicant may be able to write the different sounds as they are given to him, and then he shall, immediately after finishing the writing, read back to the committee, giving his pronunciation of the Hebrew words. If it is correct, he is a good stenographer, as far as writing sounds is concerned — representing them in the sign language. It may seem a novel proposition to you, but at the same time I am entirely sincere in it, because, if you obtain any one who is able to write a language about which he knows nothing, and to read it substantially correctly from his notes, he certainly is able to take technical expressions about which he knows nothing.

Then comes the question of knowing the meaning of words which are pronounced to you, or which you encounter in taking a case — medical testimony or chemical examination — technical matter generally. I do not believe it important for a stenographer to know the meaning of technical expressions. I would therefore suggest that in an examination the matter be so arranged as to contain as many technical expressions which are

liable to be used by legal gentlemen as possible; and if they can be taken by the applicant accurately, and if he is capable of transcribing them accurately, it is all that he is required to do. Because the attorney does not generally come to him and ask him the definition of certain expressions which are used in testimony, but he desires to know whether the expression which was used actually appears in the transcript. It is the same, it seems to me, in the matter of reporting medical testimony, where words and expressions are used about which the stenographer knows nothing and about which he cares less. He does not desire to know the meaning of all expressions which occur in the examination of a medical man in court, because he is entirely taken up with the reproducing of sound and with his interest as to the final result, — whether he will be fired bodily out of his office when he has furnished his transcript, or whether he will be met with a pleasing smile, and the bill promptly paid. Therefore I believe that really an examination as to the meaning of technical expressions is not necessary, but I do believe in an examination upon the ability to represent such expressions so as to reproduce an accurate transcript from his notes.

The other matter touched upon, I am absolutely sincere in, and believe that an examination along that line, properly conducted, will be an indication of a perfect cultivation upon the part of the applicant.

MR. ROSE: I do not think Mr. Little quite understood me if he understood me to state that I would correct the language of a witness. I would not do that. But I simply illustrate that to show that the stenographer cannot know, as far as figures are concerned, what the speaker intended to say. He must take those figures just as they come to him. In a sentence, he might make some corrections. I notice, in the civil service examination of the factory inspectors of this state, one question asked was, "Supposing the Spanish minister were assaulted in the streets of Washington, in what court would such an offence be triable?" Now I do not think that that is a proper question to put to a stenographer. I think the proper question for the stenographer would be, "What would be the expense of reporting such a case as that, whatever court it may come in, and can he get the job?" I don't think that we care what becomes of the Spanish minister, or where his case is triable. And there are other just such questions in the civil service examinations. I think that a judge would know a great deal better what the court stenographer should be than is known in Albany. They may, perhaps, be judges, for all I know, but I think it should be left to some court to determine what the examination should be, rather than to the civil service examiners.

Mr. LITTLE: In regard to the civil service examination it very often happens, as has been intimated by the last speakers, that the civil service examiners put questions to the applicants about which they know nothing. It reminds me of a minister in a country town who had been working upon a very tough fellow that had used the alcoholic beverage nearly ever since he was born, and his work did not seem to have any result. As this fellow was going through the village one day, the sidewalk was covered with ice, and he slipped and came down so solidly that he was just going to make a few remarks fitting the occasion, when he discovered the minister coming down the street. So he thought he wouldn't say anything at all. Just then the preacher came along, and saw the fellow standing on the ice, and he said, "Well, Jim, the sinners stand in slippery places." "Yes," said the man, "that's so, parson; but d——d if I could!"

Now that is just about the way these commissioners stand. They find these questions, and they think it is very funny, but no average intelligent man could go up there and answer them.

Mr. BISHOP: Mr. President, it is to avoid just such nonsensical questions—these inappropriate questions—that my contention is (and I think everybody agrees with me) that in these examinations stenographers should be the chief examiners and the framers of the examination. Now the very judge to whom Mr. Rose has referred, on whom he thinks should devolve the main responsibility of appointing the stenographer, may the moment before have been reading from some work on extra-territorial jurisdiction, as applicable to ministers of foreign powers,—that they are considered as standing on the territory of Spain, if they represent Spain, and that if they were on a vessel in the harbor of New York, they would be considered as standing on Spanish territory. He may have been reading over that question, and he may be the very man who would fire that question at an applicant for a stenographic position. Now to leave it to stenographers themselves—intelligent people such as Mr. Burt and Miss Burbank are—to leave the formulation of the examination, assuming that an examination is necessary (and certainly, unless a man is thoroughly established, it must be)—and the formulation of such questions to such people, it seems to me, gets rid of the objection which Mr. Little has raised.

One distinction, I think, ought to be made, and I do not think it always has been made, although Mr. Morrison, in his paper of a year ago, stated that in the recent examinations in New York city it had been made. In the early examinations a test of applicants for official court positions was made in work on the typewriter. The fact that none of us, so far as I know, among skilled professional stenographers in the city of New

York, professes to be expert in using the typewriter, but practically all are in the habit of dictating testimony in some shape (Mr. Ormsby will know that) — in view of that fact, the examination of applicants for official court positions, in work on the typewriter, is evidently one of the ludicrous and anomalous things, and one of the things that ought to be gotten rid of; and happily, as Mr. Morrison said, it has been, to some extent; but from what Mr. Fagan says I judge that the local examination still insists on the typewriter.

MR. FAGAN: The test consists of a test of 175 words a minute for eight minutes, a test of 150 words a minute for eight minutes, of testimony; an examination of a witness by plaintiff's counsel and defendant's counsel, and the interrupting questions by referee — a mock trial. Those notes are immediately handed up, with a number on, and you are called into another room to read them back. You are not allowed to keep them a moment. You are dictated to at the rate of about 140 words a minute, for about four pages of a medical examination — the description of a wound or a bruise. You are also dictated to at about 150 words a minute (there is no specific speed stated) on some mechanical or technical matter — an accident on a grain elevator, or a description of some mechanism, which will involve a few terms. The state examination does not require arithmetic. It does require spelling. The general work of the stenographer is averaged up from the appearance of the paper, in punctuation, etc. The stenographer may use a typewriter or he may not. He can use a pen and write it out if he chooses. In all the examinations I have taken I have never known it to be compulsory to use the typewriter. I have never known that the use of the typewriter in the transcribing would count by itself. The general appearance of the work, whether in penmanship or in type, is what counts. There has been no use of the typewriter demanded by any civil service commission in any examination in which I have been. There was at one time, when Mr. Morrison took part.

MR. BISHOP: The point I make is whether, in official examinations, the transcribing by typewriter ought not to be out entirely so far as the marking is concerned.

MR. ROSE: Mr. President, the paper of Miss Burbank, and the description of the examination held in Boston, is in conformity with what I suggest. The judge had the examination to make; he delegated it to two stenographers and an attorney. With very few exceptions the examination is a very good and practical examination, in my opinion. I think that it simply establishes the fact that Massachusetts is a little in advance of New York in her manner of examining court stenographers.

Mr. LITTLE: There was an examination held a little while ago, in view of an appointment of a stenographer for the state court of claims. Mr. Munson, of Rochester, received the appointment, and I am quite sure that he told me that he went to Albany, and with others was examined there. I would like to ask the chair whether he knew anything about that examination.

The PRESIDENT: That is the examination to which Mr. Fagan has referred. Mr. Munson took the examination.

Mr. FAGAN: The examination was held in compliance with the Black law. After having passed a "merit examination," the applicant was to go before the appointing power and pass another examination, which is called the "fitness examination." Several of the New York men went to Albany. We took the examination. The speed was not beyond the average of about 140 to 150 words a minute, for about four pages of legal cap. Then we were asked how many words we could write a minute, how much we thought we could transcribe in a given time, what system of shorthand we wrote, how long we had been writing it, and why is one phonetic stroke used when another is not. Well, I paid my fare to Albany, and the result was that Mr. Munson, of Rochester, was appointed. I do not wish to be understood as reflecting upon the merits of the examination at all, but simply upon the method of examining them. There was not any test in speed worthy of the name, and the asking of questions about what one supposed he could write, and the system he wrote, and the different uses of the different phonetic strokes was a perfect farce. I did not know the result of the examination until about a month afterward.

Mr. HUTCHINS: I learned from Mr. Munson that not only was the examination conducted as the speaker has stated, but that in addition they were asked several questions in regard to the conduct of the court of claims. Of course that had its weight as to who should receive the appointment.

Mr. FAGAN: I omitted to state that. Some of the questions were good. We were asked to define what the duties of the court of claims were.

Mr. HUTCHINS: That is where Munson came in.

Mr. FAGAN: The next question was, "What section of the charter provides for the court of claims?" That is not material. You can look that up anywhere. There were some other questions about some other sections. Was it provided for by the New York statutes or by the New York state convention? If a man did not happen to know that he would answer, "I don't know." A man happening to be familiar with it had a better chance. But for the actual work in the court of claims I main-

tain that none of these questions was necessary; that the real question was as to a man's ability to record the proceedings in the court of claims.

Mr. WAT. L. ORMSBY: I believe that the best thing for the profession from now onward would be to have the best stenographer in the state appointed for the first vacancy, and thereafter that the best man shall get the vacancy as it occurs. I also believe that no two men are equal in stenographic ability, and that of any collection of men, it can be determined with absolute certainty which is the best stenographer. I also believe that it can be done quickly and easily, and without any questions being put to the stenographer to be answered, his efficiency being absolutely determined by his ability to take and transcribe shorthand notes. And I believe the way to test the question is to have speed tests, for instance, at three speeds—150, 175 and 200—150 of the most technical matter that can be selected, 175 less difficult, and the 200 words a minute test (which I believe to be absolutely essential to competent work in a court) should be of the very simplest matter.

Now I think this association ought to express itself clearly and definitely as to what constitutes a fair examination, and I am sure, from what I hear of the civil service commissioners, that they will give anything that we may suggest careful attention, and it will be of practical benefit. I, therefore move, as the sense of this association, that stenographic efficiency can be practically tested by three examinations, of 150, 175 and 200 words a minute. As to the necessity of using the Hebrew language to test a man's stenographic efficiency, I only refer you to Herbert Spencer's definition of evolution: "Evolution is an integration of matter and a concomitant dissipation of motion, during which the matter is changed from an indefinite, incoherent homogeneity to a definite, coherent heterogeneity, and during which the retained motion undergoes a parallel transformation."

Mr. LITTLE: Mr. President, I do not conceive that inarticulate sound can be produced by any stenographer, and the illustration which was given was absolutely inarticulate, from beginning to end. My position is this, and if the gentleman doubts it, although I have not written shorthand in seven years, if he will produce a Hebrew scholar here this morning, I will wager one hundred dollars that I can write down the Hebrew words and read them back with substantial accuracy.

Mr. ORMSBY: At what rate of speed?

Mr. LITTLE: At the speed at which the words can be reproduced, and the sound. And that was my meaning. You cannot expect of an intelligent man that he is going to propound to an

intelligent body of men and women, as a test for a stenographer, something that is an impossible feat for a stenographer and an impossible feat for a machine, and that is, the intelligible reproduction of inarticulate sounds. But the sounds which I refer to are the articulate sounds which are pronounced in such a way that they can be understood by the human mind, and by the reproduction of which, through the reading of stenographic notes, a man may show his ability to reproduce sound by stenographic processes, aside from the question of speed. That was the ground of my position, and the gentleman has absolutely misunderstood my entire motive, as I was misunderstood one year ago to-day. I stood upon the floor of this convention, and my suggestions, which I believed to be for the benefit of this association, from beginning to end were misinterpreted. Now my words are absolutely misconstrued, intentionally or otherwise—and I do not believe intentionally. I did not suggest that we test a stenographer in the reproduction of inarticulate sound, but that we test the ability of the stenographer to represent in characters and to reproduce in speech articulate sounds which mean nothing to him. If a man can do that he is able to reproduce sounds which he hears in court, which to him do not convey any meaning whatever. From an experience of twenty-five years I know, as Mr. Ormsby knows, that it is the reproduction of sound, and nothing else under heaven, that enables the stenographer to represent in his notes a great many words, and to look them up and put them into his transcript. Is it not so, Mr. President? I will leave it to you.

Mr. HEAD: I understand very well that a stenographer ought to be able to reproduce all the sounds that he hears in court, without regard to their meaning. But I will leave it to you as to his ability to reproduce the sounds that he does not hear in court.

Mr. BEACH: One suggestion, Mr. President, and that is in regard to certain questions being asked and answered. It seems to me that it is necessary that the applicant who goes into an examination should understand the meaning of certain legal and medical terms; in fact, the more the better, for the reason that witnesses and attorneys do not always pronounce their words correctly. You have to take inarticulate sounds; you have to catch parts of a word and supply the rest of it, and it seems to me that a certain amount of knowledge of definitions of legal and other technical terms is necessary, for the reason that the words do not always come to us accurately. Of course it is easy to reproduce an accurately pronounced word; but suppose it is inarticulate to a certain extent, you only get a little of it. If you understand it, it is easy to write it.

Mr. S. C. ORMSBY: While I believe it is possible to catch a part of a word and from that part afterwards to construct the proper word, yet from my own experience I do not believe that I could take a page of Hebrew, no matter how slowly dictated, and write it out with sufficient accuracy for it to be of any practical value.

Mr. LITTLE: Not write it out, but read it back.

Mr. S. C. ORMSBY: Well, read it back, with sufficient accuracy to be of any practical value. I know that in my own experience it is difficult enough to report the English language when you understand it, and that it is almost impossible to report even the English language when you don't understand it. Even some things that you *can* hear, in technical matter, for instance, are difficult enough if you do not understand them, I have found at times. I may make a guess at some of the words, but I will make a good many mistakes, and there is some matter in the English language that I do not understand at all, and could not take with sufficient accuracy to be of any use.

Now I think that any one who reads the "handwriting on the wall" will appreciate that with a little energy, a little perseverance, the day is not far distant when stenographers will be examined by stenographers. That fact was very clearly impressed on me at Albany at the last hearing we had before the senate committee, when one man undertook to intimate that it would be a monstrous crime to permit stenographers to be examined by stenographers, and that it would forthwith create a trust, and a lot of other evils would follow from such a concession. Mr. Woodle started to answer the gentleman, and senator Brackett interrupted and said: "I don't think you need say anything on that point. We concede that if a license law is passed the proper persons to examine stenographers would be stenographers themselves."

The next point I wish to make is that before we go to the civil service commissioners with any suggestions, we ought to thoroughly digest the matter among ourselves and have our suggestions shaped in logical and concise form, so that they will carry weight, and I believe that if they are put in that shape, and properly pressed, they will receive great consideration. But I do think that we ought to weigh them very carefully before we make them. I do think that even among stenographers some suggestions are made that are not very practical. I do not see why it is not possible in conducting a civil service examination to let a man meet, as far as possible, the conditions that he meets in his every-day work. There is not any one of us in our every-day work that meets the conditions that are imposed in these civil service examinations. Take a man that during all

his business life, probably, has gotten out his transcript by dictating to a typewriter; he has not gotten it out in longhand; he has lost the facility of writing with a sufficient degree of rapidity to write out these examinations properly by longhand. He has not even written it out in typewriting. He has always dictated it to an amanuensis who has either written it out in longhand or transcribed it in typewriting. For him to write it out personally is a condition that he does not meet in his every-day business. I do not see why he should meet it when he goes to an examination of that kind.

There is one thing that struck me in Miss Burbank's paper—the question of determining the speed. They seem to have adopted (I do not know for what reason) a rather peculiar way of getting at the speed. They divided the work up into ten-second intervals, putting twenty-five words into ten seconds. I do not see how the reader —

Mr. ROSE: Pardon me. I think that is simply a general guide to the reader. I notice at the end of twenty-five words she marks " 25; " at the end of fifty words, " 50; " so that the reader can tell at what rate he is reading.

Mr. S. C. ORMSBY: When we conducted our test in the New York city association we examined every member. They all passed the speed test. It has been applied mostly by Mr. Young and myself. We took seven hundred and fifty words in testimony—plain, ordinary testimony. We divided it up into periods of one hundred and fifty words each. When the candidate starts in the examination we tell him that we appreciate that it is a difficult thing for a stenographer to write shorthand in the presence of stenographers, and we do not wish to have him feel that he is under any criticism, that we want to relieve him of all nervousness, and as a preliminary we will read for a few minutes, until he is satisfied that his nervousness has disappeared. We read for a couple of minutes, and after he is satisfied that the nervousness has all disappeared, we say to him, " Now this matter that we are about to read to you concerns," for instance, " the Union Pacific inquiry. There are certain proper names which a stenographer is entitled to know—which he would be entitled to ask in court if he did not understand, and to save any trouble we read those words now." We read those over to him so he understands the proper names, and then we start with the test. Mr. Young reads, I keep my watch in my hand, and when one minute has elapsed, without saying anything to disconcert the person writing, I simply raise one finger so that Mr. Young can see it. He knows that one minute has elapsed, and he must judge how near he has come to the proper speed. At the end of the second minute I raise two fingers, and

so on until the end of the five minutes. We have that down so fine that Mr. Young generally reads I think within about five words from the 150 during each minute. Sometimes he has read to within one or two. It is practically 150 words in each minute. It is not 200 words one minute and 100 the next, or 175 words in one minute and 125 the next. It is what the constitution of our association prescribes — 150 words per minute for five minutes. That is what I believe an applicant to the civil service commission is entitled to. I believe they exceed their legal authority when they read at a high rate of speed one minute and a low rate of speed the next minute. I think they ought to be compelled to read within the limit. Again, each applicant is entitled to hear every word in the test, and if they do not read so distinctly that it can be heard, I believe that that man is deprived of his legal right, and if I were in a civil service examination and were unable to hear what was read, I should register the most vigorous kind of a protest when they got to the end of the examination. Mr. Woodle, in the examination that he went into, in which he stood at the head of the list, I believe, told me that he could not hear some of the words. I believe there were quite a number of words that he could not hear. The man who dictated the test read in a low tone of voice and it was impossible to hear him accurately. When he got through with the test he wrote out his notes, and he then wrote a very vigorous protest to the civil service commission, and he had a reply saying that they would consider that fact in the rating, and he told me that he thought it did affect his rating, and that they gave him more consideration than if he had not registered such a vigorous protest.

Mr. ROSE: Mr. President, in view of Mr. Ormsby's suggestion that this convention give some expression in regard to the matter, with his permission, I

MOVE that the president appoint a committee of five members of this association to first communicate with the civil service commission; and secondly, to prescribe what course of examination should be given to the applicant for a court position; and that any stenographer in the state who desires to submit to that committee his written views, together with any examination that he would propose — that that be considered by that committee, and that with the aid of those submissions said committee devise a scheme for the examination for stenographers, and submit the same to the civil service commission.

Mr. BISHOP: Mr. President, I second that motion with a great deal of pleasure.

Mr. ROSE: As an indication of the courteous treatment that may be counted upon from the civil service commission, I would

say that Mr. Fowler, the chief examiner, has written a circular letter to the judges (at least, judge Smith received one,) asking for suggestions in regard to the examination.

The motion was unanimously carried.

Col. DEMMING: Mr. President, as I understand the paper is still before the association for discussion, I will say just a word. The importance and necessity of examination and license are becoming more and more apparent. Under present rules injustice is too often meted out. In lieu of the present inflexible standard of 100 here, 60 there, and 30 in another branch, I believe it would be a better plan to have two or three well-known stenographic experts take the examination with the applicants. Let the answers and transcripts be given first by these experts, and their average accurate replies be fixed as the standard of 100, and all the answers and tests of the applicants be gauged by those. Then there will be a fairness and justness that can be had in no other way. This will give an additional employment to expert stenographers, but the public will be the gainer by the method.

Mr. CHERRY: I desire to give notice that at the next annual convention, in Brooklyn, I shall move to amend the constitution, and make the time for meeting the first week in September rather than the last week in August.

A recess was taken until 2 o'clock.

SECOND DAY, SECOND SESSION.

The president in the chair.

The following paper was read by Mr. Loewenstein:

ORGANIZATION AS AN INSTRUMENTALITY OF STENOGRAPHIC ADVANCEMENT.

BY W. PHILIP STEINHAEUSER, ALLENTOWN, PA.

"I hold every man a debtor to his profession; from the which as men of course do seek to receive countenance and profit, so ought they of duty to endeavor themselves by way of amends to be a help and ornament thereunto." — *Bacon*.

We are living in an age of associations. Organization is the only true method of obtaining freedom and happiness, and all existing conditions as they are represented to us are the direct results of amalgamation. There is a natural tendency on the part of members of various callings to unite themselves together in "leagues" or "associations," the better to advance their individual interests. The different "bar associations," the numerous associations of clergymen, physicians, dentists, sculptors,

astronomers, literateurs, scientists, and workmen in every field of industry, clearly demonstrate to us this tendency; and it is quite safe to assert that where there is such a universal impulse there must also surely be some effective cause back of it. That these associations are undoubtedly of value to the particular branch of industry to which they belong must also be conceded, else they would certainly cease to exist.

The advantages of association can be very easily summed up under two heads, viz.: (1) Mutual benefit, or advancement, and (2) Sociability. Benefit, which is the direct result of associated effort, in which there is strength, as in "Union there is strength," and by means of which only great things are accomplished; and sociability, by means of which fraternalism and good-fellowship are promoted.

It has been a matter of great surprise to the writer why the shorthand writers of this country do not organize as the cause would warrant. If we would stop to reflect upon the many benefits and advantages to be derived from amalgamation, which other professions and callings are not slow in taking advantage of, it is with somewhat of humility, indeed, to find that one of the highest and noblest professions (namely, the stenographic profession) is not able to maintain a representative organization in these United States of America. This is a lamentable state of affairs. The profession is in too much of a disorganized condition, which is proving harmful to us in more ways than one. Stenographers should have a representative organization to uphold its standard, to protect its members, to extend its interests in every legitimate manner, to promote professional ethics, to maintain a high standard of proficiency in the art, to advance the material interests of the profession, to enlighten the public to a proper estimation of the capabilities of shorthand, and its future possibilities, and to educate the business man to a proper appreciation of the vast difference between "skilled" stenographers and "incompetents."

Mr. Edward V. Murphy, one of the official reporters of the United States senate, in his paper read before the World's Congress of Stenographers, in 1893, said among other things: "Stenography has been so busily occupied in recording the advances of other arts and sciences, and in extending and perpetuating their literature, that it has in a manner neglected its own. Its province has not been to sing peans to its own achievements, but rather to celebrate those of its sisters. It has been so much concerned in diffusing knowledge amongst men and so modest as to its own deserts, that it has had little time and less inclination to herald its own history, and to advance its own literature." And further: "How shall our profession be advanced so that it may be awarded the position to which it is

legitimately entitled? Not by bickerings amongst the disciples of different systems; not by improperly and unprofessional soliciting employment by undertaking, undermining and underbidding probably more competent and skilful rivals; but by always upholding the dignity, the honor, and the glory of the profession, for it is dignified by age; it is honored by the long line of its illustrious leaders, and it is glorious by its record of splendid achievements." And concluding: "When the disciples of stenography shall band together as do lawyers, doctors and preachers; when they shall have their congresses, their codes of laws, and that *esprit de corps* which should prevail in the great army of its adherents; then will the 'silent art' find a voice which shall proclaim its merits, and then, I fear not till then, will its position amongst the learned professions be recognized by those outside of its own ranks, who know nothing of the history, nothing of the requirements, nothing of the difficulties of the science-art, whose high mission it is, in conjunction with the art of printing, which is its hand-maid, to be 'the preservative of all arts.'"

It seems to us that it is now about time for our profession to become thoroughly organized. Our powers have been going to waste, so to speak. Time is quickening its paces and nothing worth mentioning is being accomplished! There is no use discussing the merits and demerits of perfecting an organization, or of questioning its advisability; the condition in which the art finds itself to-day ought to be sufficient proof of its grave necessity. True, numerous attempts in the past have been made to establish and maintain an association; and it is likewise true that at one time there actually existed such an association, but why all such efforts were allowed to die is perhaps only too well known to the majority of practitioners of the present day, consequently it need not bear repetition here at this time. Very likely the time was not ripe for such an association. Is it ripe now?

Petty jealousies and prejudices should be laid aside, and all should band together in making this movement for the establishment of the right kind of an association of the greatest good to the greatest number a grand success. It can be done, and should be done. Will it be done?

Brother stenographers, wherever resident, whether in the north or south, the east or the west, we say unto you, one and all, we are missing much in the way of material benefit if we do not raise a protesting hand above the many evils which are continually being enacted within the great borders of short-hand, directly resulting from non-organization of our forces. Are we worthy members of the profession we claim to be representatives of if we allow ourselves to miss the present great

opportunity of placing the profession upon the plane it rightfully deserves? Are we not to blame in a measure for the present disorganized condition of the fraternity, as is too plainly evident to-day? Will it be of easier acquisition to rise in the future if no strenuous efforts are made now to abate the evil? These are vital questions. Please ponder them long and seriously in your minds! "Choose wisely the way that leads to better things and a higher state."

The following paper by Prof. Heffley was read by Mr. S. C. Ormsby:

STENOGRAPHERS' STATE CREDENTIALS.

BY NORMAN P. HEFFLEY, BROOKLYN.

Since the creation we have had a succession of so-called "ages" — as the stone age, the iron age, the railway and steamship age. The age which is now upon us is pre-eminently the business age. The business man is the coming man. He is already foremost in the support of education, science, and art, as well as industry. He is the potent factor in developing the nations. He is becoming more and more the arbiter of their fate, and will in time control, for the good of all, the destinies which were once completely swayed by soldiers, kings, emperors. The commercial interests of the world are becoming supreme. In the arena of business the battles of life are now to be fought. Preparation for these battles, then, is the question of the hour.

It may also be said that this is the age of the special school. Hence the preparation for the practical affairs of life is to be obtained in the special business and shorthand school. An acceptance of these statements leads to the conclusion that the importance of these schools cannot be over-estimated. Do such institutions exist in sufficient numbers or efficiency to meet the demand which is to be made upon them? Hitherto any kind of business or shorthand education has been tolerated. The business man has had no protection. The unscrupulous teacher and the inefficient school have brought reproach upon shorthand education as obtained at the so-called business colleges. The signs of the times, however, point to better things. The importance of this training is becoming more and more appreciated; the charlatan is being displaced, while the conscientious school is being strengthened.

The board of regents of the university of the state of New York has recognized the fact that reputable business and shorthand education should be advanced in this state. With this in view they have recently formulated rules and regulations for courses of study in business and stenography, upon the success-

wire nails. Give shipping instructions. Ask more liberal terms. Complain of delay in last shipment.

3 Write to an intimate friend who is earning a good salary and has recently married, setting forth the advantage of life insurance. Recommend some particular form of policy, giving reasons.

4 State in a letter to C. N. Dark, Cloudville, Ind., the advantages of your new system of electric lighting. Cover the following points: facilities for electric manufacturing; quality of light; cheapness and enduring character of apparatus; places for which this light is peculiarly adapted; testimonials in pamphlet sent. Offer to furnish estimates by mail, or to send a representative to give full information.

5-6 Draw in proper form articles of agreement covering the following conditions:

James Shepard owns a vacant store that has rented for \$1200 a year. David Moore's shoe store has burned. Most of the stock, costing \$3250, was saved, but part of it is damaged. The two men agree to form a partnership in the shoe business. Moore puts in rent of store against Shepard's expert knowledge, and is to contribute cash capital equal in value to Shepard's stock. Value of stock is to be determined by three appraisers, one chosen by each partner, and the third to be selected by the men chosen by the partners. The firm name will be Shepard & Moore. Partners are to have equal interests. Moore is to take charge of the books and finances and Shepard is to manage the practical part of the business, both devoting their entire time to the business.

7 Report, as broker, to a customer, Otto Rich of Albany, the condition of the New York stock market, and give your views as to the near future of the market.

8 Write an urgent letter to Sloman & Co., Debitville, Mich., to accompany account current showing a balance of \$225.40 that is several months overdue. Demand immediate payment. Use courteous but plain language.

9 Write the description necessary to form a part of a fire insurance policy covering the household furniture and other effects in the house in which you live. Assume that among the other things are a rented piano, and some valuable pictures belonging to friends of the family.

10 You are a wholesale merchant in New York and have confidential relations with Horace Manley, a banker in Columbus, O. Morgan & Wescott, a new firm in Columbus, have asked to open a credit account with you. Write Mr. Manley for such information as you think needful.

11 You are junior partner in the firm of Lively & Co., retailers in general dry goods, notions and fancy goods. You have just received a new stock comprising some novelties never

before shown in your town. Write an advertising notice informing the public of these facts.

12 You visit Duluth and find an opportunity to buy some very desirable real estate on the principal business street at a price that will insure large profit. The agent has agreed to hold it open for you for 36 hours. You want your partner's assent to a joint investment of \$12,000 in this property. His address is J. F. Mills, 30 Broadway, New York. Write a telegram of not more than 10 words that will give him all information needful for the purpose.

13 Write a letter of application in reply to the following advertisement, stating your age, education, experience (if any) and general fitness for the place. State what references you can give:

WANTED: A bookkeeper to keep the accounts and assist in the correspondence of a mercantile business. Address, stating qualifications and giving references, "Business," Herald office.

14 Write a reply to the letter called for in question 10.

15 Write an essay of at least 100 words on the advantages of a thorough business education.

University of the State of New York

COLLEGE DEPARTMENT

2D BUSINESS EXAMINATION

TYPEWRITING

Thursday, June 15, 1899 — 1:15 to 4:15 P. M., only.

Answer questions 1-2, 3-4, 5-6 and four of the others but *no more*. Answers in excess of the number required will not be considered. Division of groups is not allowed. All answers except to questions 5-6 must be typewritten. Credits depend on neatness and accuracy. Each complete answer will receive 10 credits. Papers entitled to 75 or more credits will be accepted.

1-2 Write on a typewriter the selection dictated as the first test [150 words to be dictated in three minutes, the work to be then collected by the examiner].

3-4 Copy on a typewriter the selection assigned as the second test [105 words to be copied in three minutes, the copy to be then collected by the examiner].

5-6 Rewrite the following in longhand, making all necessary corrections, and putting the ideas into good clear English:

A letter that is worth writeing unquestionably is worth writeing carefully, a slovenly letter is indictive a slovenly man and ther is surely no complement but rather distrespec in sending sutch a letter to Ones Freinds — Do not be afrade to write and rewrite until a centens is as perfec, nearly as posable it can be

made. from this practis you aquir skill in composishion — prominent Literry men and Women do not alow thare composishions to appeer in Print till the hav been reritten corected every posably way. It is related that Chas darwen ust to make First a rough copy; to have then made a fare copy and correkted in Pencil reconsidderd and written in ink, an then even he was glad to have sugestions or corecshuns from Others.

7 What should be done by the operator to keep the type-writer always in good working order? Explain in detail.

8 Describe *two* different methods of making and indexing copies of outgoing business letters. State which method you prefer, giving reasons.

9-10 You are confidential clerk and stenographer to the firm of Hepworth & Ash. Ash is in Europe and the head of the firm has left in a hurry to catch a train. Ten minutes after his departure, a telegraph messenger brings you the following scrawled on a crumpled envelope: "Jones dft prtestd Wire Ketchum attach quick. Ask Jns wire what's mater. Write him quietng letr 1st mal."

The firm deals with three different men named Jones. Ketchum is known to you as the firm's New York city lawyer. Write the communications as instructed.

11 Describe *two* systems of preserving for convenient reference business letters and telegrams received.

12 Describe in detail the manner of using some convenient apparatus for making numerous copies of a typewritten document.

13 Describe a method of briefing bills and similar papers, and a plan for filing them for convenient reference.

14-15 Write in proper form *each* of the following: (a) an order on Erie elevator to deliver 8000 bushels of wheat to boat Fleetwing, (b) a bill for storage at $1\frac{1}{2}$ cents a bushel on the wheat mentioned in (a), (c) a receipt for rent of store for month of May, \$50, paid to-day by Peter Carr, (d) a check on Chemical bank, favor of William Miles, \$218.28.

FIRST TEST

150 words to be dictated in three minutes, the work to be then collected by the examiner.

INFLUENCE OF THE BUSINESS MAN

This is distinctly the age of the business man. Never before has he been so influential in every walk of life. Not only does he solve great financial problems and conduct vast commercial enterprises, but in the social, political, religious and educational field he is coming more and more to be the dominant factor. Even the colleges and universities which have for centuries stood at the other extreme from business, now seek for president

or chancellor not the traditional clergyman and author of recondite books, but the experienced business man who in turn at the head of these institutions proves the wisdom of the choice by an unexampled record of growth in power and reputation. In churches, social clubs and other non-commercial organizations it is usually the business man who is the most efficient and influential. He founds, manages and endows libraries, hospitals, schools and colleges.

SECOND TEST

105 words to be copied in three minutes, the work to be then collected by the examiner.

JUDICIOUS SELECTIONS

Great care should be exercised in selecting matter for copying or for dictation. No such matter should be given simply because it contains words that can be printed on the typewriter or taken in shorthand. The selection should have further and broader purpose. Even business letters intended for dictation should be scrutinized and if necessary revised, that they may be correct models in style and expression; and as far as possible, all other matter chosen for transcription or dictation should be of a character tending to add to the student's general knowledge and to broaden his mind, while it affords him the required practice.

University of the State of New York
HIGH SCHOOL DEPARTMENT
159TH EXAMINATION
STENOGRAPHY

Thursday, June 15, 1899 — 9:15 A. M. to 12:15 P. M., only.

NOTE — Candidates may take one, two or all of these tests. The time for dictation and for transcription is indicated in each case. The shorthand notes and the transcript are to be collected by the examiner at the close of the period assigned for each transcript. Candidates are to specify the system followed in taking down the notes. Credits depend on the accuracy of the notes and of the transcription.

Papers entitled to 75% will be accepted. 625 words to be dictated in 5 minutes and to be transcribed in 55 minutes.

The decision of this case turns on the question of the admissibility of evidence obtained from articles previously published in the New York morning papers. These articles mentioned the plaintiff as the guilty party. In the defendant's publication relating to the same subject, he was described as "the London head of a New York firm of cloth ½ jobbers." Was this evidence admissible * to show that the plaintiff was the person referred to in the defendant's article, and would it be so understood by persons reading it?

The defendant's publication was in the evening of the day on which the articles in the papers mentioned were published, and it is obvious that it referred to the same subject. The managing editor of the defendant's paper testified * that he read the article before it was published. He also testified that in that article the defendant referred to whatever cables, or articles purporting to be cables, appeared in the morning papers admitted in evidence. His testimony also shows that he had read the papers containing this account, that he knew to whom it referred, and with that knowledge, published the article * in question. Thus, this testimony disclosed the actual circumstances under which the libel was published. It showed that the person who was instrumental in the defendant's publication knew and intended that it should refer to the plaintiff, and that there had been a publication of the transaction by other papers which was

2 such that any person having read them would at once * know to whom the article published by the defendant applied. It seems to be well settled that where a libel does not name the plaintiff he may give evidence of all the surrounding circumstances and of any extraneous facts which will explain and point out the person to whom the allusion applies. That rule is established by the adjudicated cases and

1/2 by the text writers * as well. Hence, the important question is whether evidence of the publication by the morning papers of articles relating to the same subject was a circumstance which was admissible to show that the publication by the defendant was intended to apply to the plaintiff, and would be so understood by a reading public. That the defendant's

3 articles would produce that * effect, and would produce the same injury as if the plaintiff had been named by the defendant, as in the previous publication, is manifest. The evidence of the defendant's managing editor shows that the basis of the defendant's publication was the articles which were introduced in evidence. To determine the effect of the defendant's article and its application, it would seem

1/2 proper * to show the condition of the public mind, the information the public possessed on the subject of the article, and the consequent inference which would readily be drawn from reading it. As bearing on that subject, the plaintiff was permitted to show that at least three public newspapers, which had a large and general circulation in the same city, had previously and on * the morning

4 of the same day published an account of the supposed transaction in which they mentioned the plaintiff as the person who was guilty of the act alleged. After the details of

this transaction had been made public, and the name of the plaintiff given, the defendant, with a knowledge of those publications and with a knowledge of the fact * that the plaintiff had been identified as the guilty person, with a view of communicating such information to the reader, published the article. Under these circumstances, it seems to me that proof of the condition of the public mind and the means of information the public had were admissible as attendant circumstances to indicate that the defendant's article referred to the plaintiff. *

My object in contributing this most hastily prepared paper is to show that the authorities of the state university appreciate the importance of protecting the business man from the incompetent stenographer, and have taken steps to that end. If, therefore, they have recognized the importance and value of giving certificates and diplomas to amanuenses, how much more important is it that the state should in some way make a distinction between the competent and incompetent law reporter.

The privileges of the floor were extended to Mr. I. O. Crissy, inspector of business education for the state of New York, who said:

I feel that I am somewhat of an interloper here, and yet when my friend, Mr. Frank Boland, head stenographer to the regents of the university, said to me, on hearing that I was coming to this region, "There is to be a state stenographers' convention down there, and you certainly ought to be there, for they are to discuss questions of interest to you in your line as an inspector of business education," I replied that I certainly would make it a point to be present.

Now I am not a stenographer. I make no claims to that, although I may safely say that I can write stenography, from good copy, at the rate of say one hundred words in two hours. That would not give me any standing in this convention, but as inspector of the business schools of this state, all of which teach shorthand and typewriting, I have a great interest in the subject that you are now discussing. Under recent requests made by the business school teachers to the regents, they have assumed to take, in a certain way, the supervision of these schools. That is to say, after full inspection of the school, upon application, the regents register the schools that they find equipped with competent teachers, abundance of typewriters, and the other paraphernalia necessary for a business school. There are two classes of registration, one for the school that has at least six teachers, as Mr. Heffley has stated, and another, called "provisional registration," for those schools that have a sufficient corps of teachers and a satisfactory course of instruc-

tion to admit their candidates to our examinations for the state business diploma, and the state stenographer's certificate and diploma also.

The stenographer's diploma, as Mr. Heffley has stated, is only given to those who have, as a preliminary qualification, graduation in a high school, or what is equivalent to such graduation. All the young gentlemen and ladies who have their education from the high schools of the state of New York know who the regents are. Those who have passed their examinations successfully think they are pretty good fellows. Those that have not passed them successfully have a sort of notion that the regents are a set of old fogies who sit in their offices to make up questions with which to bother poor boys and girls. Well, I am glad to say that we think that we have more friends than enemies among the young people who have recently had their places in the schools.

I want to state to you, ladies and gentlemen, my case, in as few words as possible. We give an examination in stenography and in typewriting, and in business English, with a view to issuing a credential to those who successfully pass these examinations. The tests are based upon the following standards: in stenography we require 125 words a minute as the test of speed, and the paper from which they take this examination is one selected from matter not too difficult, nor yet of the easiest sort, and they are given a period of six minutes for the purpose of taking their notes from dictation, the paper being marked in the way that was suggested by the lady who presented the paper this morning — divided off into half minutes, at the margin, simply for the convenience of the reader. For instance, the first mark would be one-half minute, the second a full minute, and the third a minute and a half; so that the reader can, with his watch before him, more readily keep time. These notes we require to be transcribed either on typewriter or in longhand (we make no discrimination as to that) in 50 minutes. Now I want to submit, for the discussion of the members of this association, that question as to speed — whether for office work, (for that is all that we claim that our certificate carries with it — the ability to enter an office and do satisfactory amanuensis work) the 125-word test is too severe for that; whether we ought to lower it to 100, or what ought to be the standard.

Then, in regard to typewriting. We have a special examination in typewriting, which includes also some of the more common office matters, such as the filing of letters for convenient reference, the copying of outgoing letters for preservation and for convenient reference, and also the care and preservation of the typewriter. Furthermore, we require in that examination some knowledge of the matter of the more common business

papers, such as notes, drafts and receipts, and ordinary bills for merchandise sold. These constitute the main requirements of the typewriting examination.

Then we require a very thorough test in business English. We do not ask any questions whatever in technical grammar, but we simply provide questions that will call for the writing of business letters on various subjects covering a field wide enough so that the examiner may be assured that the candidates are able to use good English in any business correspondence. We ask them also to be able to draw up a simple contract from a stated condition of facts; to be able to fill out mortgages and deeds, and to be able to fill out the blanks in a printed insurance policy — trying to cover as far as possible within the scope of that examination, all the ordinary lines of business, but with the main idea in view that the test shall be sufficient to show that the candidate who passes the examination can use clear, forcible and correct English, correct as to capitalization, punctuation, spelling and logical sequence of words in sentences, and of sentences in paragraphs. These are the three subjects that we require for an examination in technical matters for the stenographer's credentials.

The test in typewriting is 150 words, to be written in three minutes from dictation; and that is one of the points that I would like to ask the opinion of this association about, — whether our requirement in speed from dictation is too great; whether the number of words per minute ought to be reduced. We also require them to copy on the machine at the rate of thirty-five words a minute for the space of three minutes from unfamiliar matter. That is another test of speed upon which I should like to be advised from your experience. We are trying to make this examination for the certificate and diploma cover sufficient ground, and to cover it with sufficient exactness to assure one who is wanting the assistance of an amanuensis in his office that this credential is a sufficient guaranty for his requirements.

We mark our examination papers upon rather a liberal scale. That scale is 100 for the question paper, and the candidate who gets 75 credits is allowed to pass. That is to say, we make a question paper that covers fifteen different questions, six of which are required, and four more of which are to be selected by the student, making ten questions to be answered. We require the speed test from dictation; we require the speed test from copying; we require another test in correcting bad English — improving a series of words put into such juxtaposition that their meaning may be perfectly clear, but misspelled, not correctly arranged in sentences, and not having proper punctuation or capitalization. That is for the candidate to arrange for

himself, and is to be written in longhand. The other questions apply to the matter that I have alluded to before—the care of an office, the duties that devolve upon an amanuensis outside of typewriting and stenography, and the care of the typewriter.

Now this method of marking, of course, would allow for a considerable number of errors, if we pass at 75. That is a question that I need advice on. I believe that these are all the questions that I wish to submit to the association, and I feel that you gentlemen and ladies are able, from your experience as experts, to give me some advice in this matter that would be of great benefit to me.

I thank you very kindly for your attention, Mr. President, and members of this association.

Mr. WAT. L. ORMSBY: Just a word. I think it is an admirable test in every respect except in regard to the speed of typewriting and shorthand. A speed of 125 words a minute, with seventy-five per cent. allowance, is absolutely worthless for any practical purpose. In my opinion, a speed of fifty words a minute on the typewriter, with twenty-five per cent. of mistakes, is absolutely worthless as a practical test of work. Two hundred and fifty words on a page, with a quarter wrong, which would be permitted under that test, would present a page which would make any stenographer's hair stand, if he had any, on end.

Mr. S. C. ORMSBY: I believe, Mr. President, that some such system of licensing would be a very good thing. I believe that the more of that that is introduced into the practice of this profession, under the supervision of this state, whether it is done in the manner in which we propose, or in the manner in which Mr. Crissy proposes for the lower branches of the profession, the better; and I think we ought to indorse it. I agree with my brother about some of the tests.

[It was called to the attention of the president that to visit the reformatory it would be necessary to postpone the further discussion of this topic.]

Mr. S. C. ORMSBY moved that the thanks of the association be extended to the retiring officers for the good work they had done for the association during the past year. The motion was seconded by Mr. Bishop, and unanimously carried.

Col. DEMMING: I would like to say a word with reference to examinations before courts-martial. If any member has any suggestions to make by which the compensation and the work can be improved upon in connection with the work in courts-martial in the army of the United States, and will have the kindness to submit them to me by mail, at Harrisburg, I will lay them before the secretary of war. The great trouble has been in securing compensation adequate to the work, but from this

time on stenographers will be paid a proper compensation, and some arrangement will be made by which payment can be made promptly. It is a matter of importance now, as our regular army is increasing, and there will be more work in that line than ever before. I want to state, in conclusion, that this matter was laid before the secretary of war, at that time Mr. Micklejohn, and he gave the matter very fair consideration, and the amendments were made immediately, by his direction. The former arrangement was that stenographers should have only ten dollars per day, to include everything. That has been modified, so that they are to receive ten dollars per day, and fifteen cents a folio for the first transcript, and for carbon copies five cents a hundred words; and if the stenographer has to go more than ten miles from his home, he is allowed five cents per mile as travelling pay, and in addition three dollars for sustenance.

Mr. BISHOP moved that a final meeting be held at the Rathbun house, upon the return from the reformatory. Motion carried.

A recess was taken, during which the members of the association visited the Elmira reformatory, and witnessed the dress parade.

FINAL MEETING.

At 5:30 P. M. Mr. BISHOP moved that the president appoint a committee of three to prepare a minute for insertion in the proceedings, expressive of the regret of the association at learning of the death of our honorary member, Mr. Thomas Allen Reed, of London, and expressive of our appreciation of his character and ability. Motion unanimously carried.

The president appointed as a committee on the memorial to Mr. Thomas Allen Reed, the following: Messrs. Bishop, Fagan, and Sidney C. Ormsby.

On motion of Mr. Bishop, it was **RESOLVED**, that the association tender to the managers of the Rathbun house the thanks of the visiting members for their courtesies and for the very satisfactory accommodations and facilities afforded by the hotel during the convention.

On motion of Mr. Loewenstein, it was **RESOLVED**, that the thanks of this association be tendered to the local stenographers for their kind reception and entertainment during the session.

On motion of Mr. Loewenstein, it was **RESOLVED**, that the secretary receive for his services in reporting the convention the sum of fifty dollars.

At the suggestion of Mr. Bishop, it was agreed that the members of the association be requested to send to Mr. Crissy such

suggestions as might occur to them, in the line of Mr. Crissy's remarks, and of the paper presented by Prof. Heffley.

The memorial committee subsequently submitted the subjoined:

THOMAS ALLEN REED.

Whereas, THOMAS ALLEN REED, the dean of English shorthand writers, whose name is almost synonymous with the birth and growth of Pitman Shorthand, has passed beyond this earthly stage, and laid down forever the pen he used so well alike in the practice and in the service of the art he loved, be it

Resolved, That the New York State Stenographers' Association, which has so long honored itself by numbering him among its honorary membership, hereby expresses its sincere sorrow at the loss the shorthand calling has thus sustained, and its appreciation of his long and useful life, so well spent as a practitioner and exponent of shorthand; and, be it further

Resolved, That the New York State Stenographers' Association, as a body and as individuals, irrespective of shorthand system or creed, do hereby spread upon our records, these resolutions, as a token of honor and respect to the memory of one whose life devoted so earnestly and successfully to the cause of phonography, exemplifying as it has the highest degree of skill, eminence in his profession, and brotherly love for his fellow-workers, may well prove an incentive and an inspiration to those he leaves behind and to those yet to follow in his footsteps.

On motion, the convention adjourned.

OFFICERS N. Y. S. S. A.

PRESIDENT.

1876-77 W. W. Osgoodby.
 1877-78 W. W. Osgoodby.
 1878-79 P. Deming.
 1879-80 S. C. Rodgers.
 1880-81 C. G. Tinsley.
 1881-82 Geo. H. Thornton.
 1882-83 Geo. R. Bishop.
 1883-84 Theo. C. Rose.
 1884-85 A. P. Little.
 1885-86 Wm. H. Slocum.
 1886-87 *W. O. Wyckoff.
 1887-88 E. B. Dickinson.
 1888-89 B. Moynahan.
 1889-90 Henry L. Beach.
 1890-91 Thos. R. Griffith.
 1891-92 S. C. Rodgers.
 1892-93 Geo. R. Bishop.
 1893-94 Theo. C. Rose.
 1894-95 Chas. F. King.
 1895-96 Geo. H. Thornton.
 1896-97 Robert R. Law.
 1897-98 Peter P. McLoughlin.
 1898-99 Peter P. McLoughlin.
 1899-1900 John E. Kelly.

VICE-PRESIDENT.

W. O. Wyckoff.
 W. O. Wyckoff.
 D. C. McEwen.
 Wm. H. Slocum.
 *Worden E. Payne.
 Fred M. Adams.
 A. P. Little.
 B. Moynahan.
 James M. Ruso.
 Henry L. Beach.
 Geo. C. Appel.
 John B. Murray.
 Thos. R. Griffith.
 Chas. L. Guy.
 Mrs. C. E. Brockway.
 Geo. H. Thornton.
 Chas. F. King.
 Benj. W. Readshaw.
 Norman P. Heffley.
 Mrs. Clara A. White.
 Peter P. McLoughlin.
 Irving C. Hutchins.
 A. B. Weaver.
 W. P. Cherry.

SECRETARY-TREASURER.

1876-77 C. G. Tinsley.
 1877-78 C. G. Tinsley.
 1878-79 *William F. Duffield.
 1879-80 Theo. C. Rose.
 1880-81 Geo. H. Thornton.
 1881-82 A. L. Woodward.
 1882-83 Thomas H. Griffith.
 1883-84 Herbert A. Briggs.
 1884-85 M. Jeanette Ballantyne.
 1885-86 Harvey Husted.
 1886-87 *Wm. S. Kershner, (Theo. C. Rose.)
 1887-88 Theo. C. Rose.
 1888-89 Henry L. Beach.
 1889-90 *Mrs. E. F. Rowley.
 1890-91 Mrs. Clara A. White.
 1891-92 Irving C. Hutchins.
 1892-93 Wm. Loeb, Jr.
 1893-94 Etta A. Emens.
 1894-95 Kendrick C. Hill.
 1895-96 Kendrick C. Hill.
 1896-97 Kendrick C. Hill.
 1897-98 Kendrick C. Hill.
 1898-99 Arthur B. Cook.
 1899-1900 Arthur B. Cook.

LIBRARIAN—1885-93 Mrs. Eliza B. Burnz.
 1893-00 Miss M. Jeanette Ballantyne.

*Deceased.

OFFICERS FOR 1899-1900.

PRESIDENT.

John E. Kelly, - - - - - Troy.

VICE-PRESIDENT.

William P. Cherry, - - - - - Brooklyn.

SECRETARY AND TREASURER.

Arthur B. Cook, - - - - - New York.

LIBRARIAN.

Miss M. Jeannette Ballantyne, - - - Rochester.

EXECUTIVE COMMITTEE.

Louis Loewenstein, Chairman, Troy.
John H. Wilson, Syracuse, Robert C. Chapin, Buffalo.
Mrs. Clara A. White, Elmira, Edward J. Shalvey, New York.
The President, *ex-officio*.

EXAMINING COMMITTEE.

First District,	Thomas W. Osborne,	New York.
Second District,	Norman P. Heffley,	Brooklyn.
Third District,	David N. Brice,	Albany.
Fourth District,	Henry W. Thorne,	Johnstown.
Fifth District,	John H. Wilson,	Syracuse.
Sixth District,	Herbert C. Murdock,	Elmira.
Seventh District,	William W. Osgoodby,	Rochester.
Eighth District,	Robert C. Chapin,	Buffalo.

CONVENTION COMMITTEES.

NOMINATION OF OFFICERS.

Louis Loewenstein, Henry L. Beach, Etta A. Emens,

PLACE OF MEETING.

Wat. L. Ormsby, Sarah A. Moore, George R. Bishop.

PUBLICATION COMMITTEE.

Arthur B. Cook, Spencer C. Rodgers, Norman P. Heffley.

ON DEATH OF THOMAS ALLEN REED.

George R. Bishop, D. J. Fagan, S. C. Ormsby.

LEGISLATION.

William Loeb, Jr., Charles P. Young, A. B. Sackett.

CIVIL SERVICE EXAMINATION.

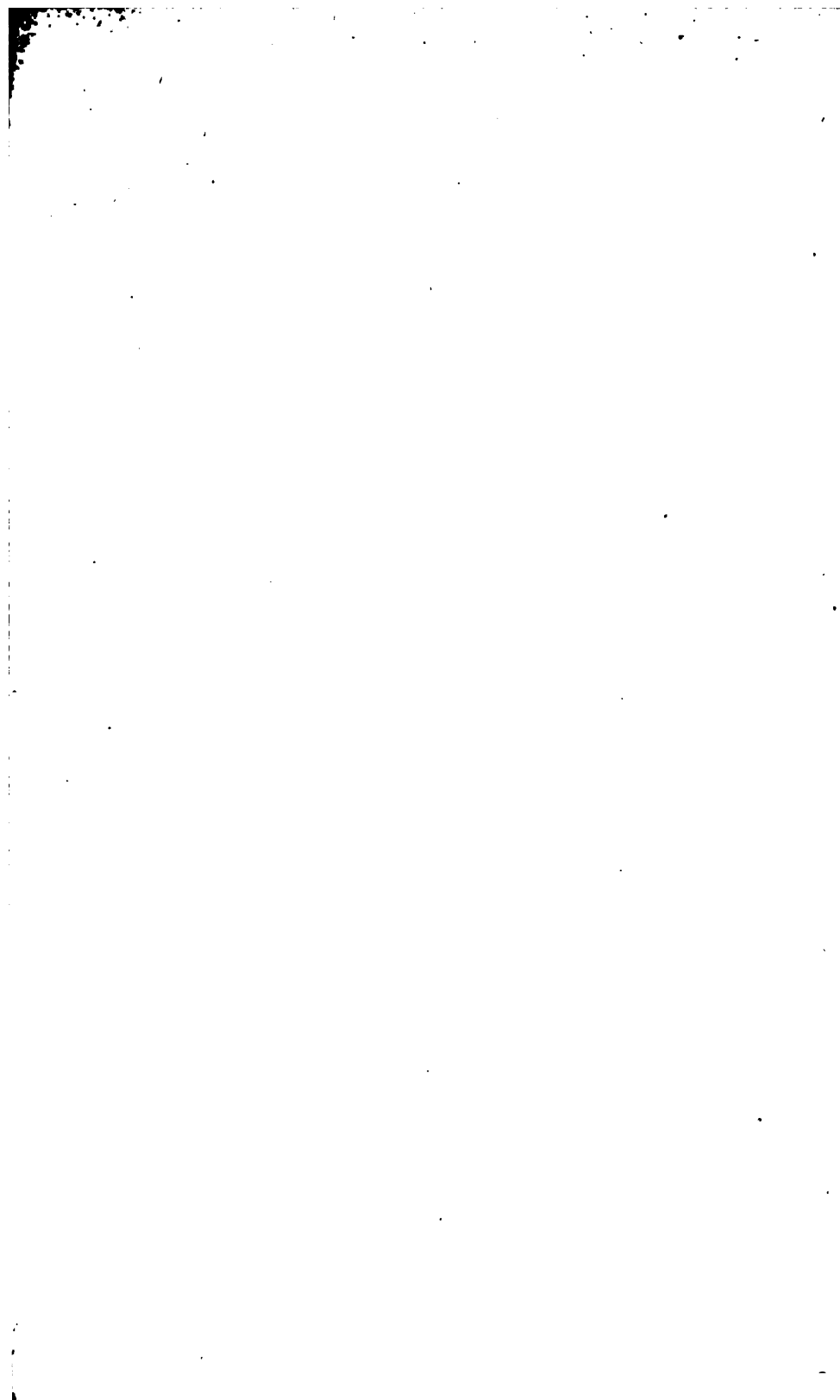
Theodore C. Rose, Peter P. McLaughlin, Leopold Woodle,
Charles P. Young, Henry L. Beach.

ACTIVE MEMBERS.*

Agan, Lillian E.,	- - - - -	Penn Yan
Anderson, William	- - - - -	1169 Dean St., Brooklyn
Bailey, Charles H.,	- - - - -	Buffalo
Baker, Fred A.,	- - - - -	Criminal Court Building, New York
Balch, Charles W.,	- - - - -	99 Nassau St., New York
Ballantyne, M. Jeanette,	- - - - -	416 Powers Building, Rochester
Barnum, Charles,	- - - - -	Monticello
Beach, Henry L.,	- - - - -	Binghamton
Beard, Frank S.,	- - - - -	Criminal Court Building, New York
Bensley, Mark F.,	- - - - -	Buffalo
Benton, L. A.,	- - - - -	Hornellsville
Betts, George L.,	- - - - -	County Court House, Brooklyn
Bigelow, Timothy,	- - - - -	County Court House, Brooklyn
Bishop, George R.,	- - - - -	New York Stock Exchange, New York
Boland, Frank T.,	- - - - -	Regents of the University, Albany
Bonynge, William F.,	- - - - -	203 Broadway, New York
Brice, David N.,	- - - - -	112 State St., Albany
Briggs, Herbert A.,	- - - - -	County Court House, Brooklyn
Bull, Clifton B.,	- - - - -	County Court House, New York
Burke, William J.,	- - - - -	Municipal Court, Rochester
Burrill, Thomas,	- - - - -	19 Municipal Building, Brooklyn
Cannon, Nellie,	- - - - -	Binghamton
Carey, John B.,	- - - - -	Room 25, Court House, Brooklyn
Chaffee, W. G.,	- - - - -	Phonographic Institute, Oswego
Chapin, Robert C.,	- - - - -	Buffalo
Cherry, William P.,	- - - - -	Room 25 Court House, Brooklyn
Cleary, D. J.,	- - - - -	Plattsburgh
Cook, Arthur B.,	- - - - -	Drexel Building, New York
Cotter, John,	- - - - -	County Court House, New York
Cragin, Irving F.,	- - - - -	79 White Building, Buffalo
Crossman, T. E.,	- - - - -	1829 Park Row Building, New York
Culver, W. R.,	- - - - -	Opera House Building, Lockport
Dickinson, Edw. B.,	- - - - -	Court House, Brooklyn
Donnell, William A.,	- - - - -	150 Nassau St., New York
Donnelly, James A.,	- - - - -	Surrogate Court, New York
Doyle, Charles J.,	- - - - -	794 Broadway, Brooklyn
Emens, Etta A.,	- - - - -	300 Powers Building, Rochester
Emens, Cora M.,	- - - - -	300 Powers Building, Rochester
Fagan, Dudley J.,	- - - - -	252 Prospect Pl., Brooklyn
Farrell, John G.,	- - - - -	Municipal Court, Stapleton
Findlay, Charles S.,	- - - - -	6 Lee Ave., Brooklyn
Flack, George F.,	- - - - -	32 Franklin St., New York
Fitzgerald, W. F.,	- - - - -	Schenectady
Griffith, Thomas R.,	- - - - -	409 Powers Building, Rochester
Gulick, Mrs. Nellie C. A.,	- - - - -	Geneva
Hefley, Norman P.,	- - - - -	Hefley School of Commerce, Brooklyn
Hill, Kendrick C.,	- - - - -	117 Duane St., New York
Holmes, Miss Jessie E.,	- - - - -	214 Second St., Albany
Huson, William C.,	- - - - -	World Building, New York
Hutchins, Irving C.,	- - - - -	409 Powers Building, Rochester
Joyce, Charles J.,	- - - - -	Court House, Brooklyn
Keenan, Francis J.,	- - - - -	Criminal Court Building, New York
Kelly, John E.,	- - - - -	135 First St., Troy
Kelly, M. J.,	- - - - -	72 Tribune Building, New York
Kenny, Thomas, Jr.,	- - - - -	West New Brighton
Ketcham, John A.,	- - - - -	Syndicate Building, Patchogue
Kiesel, George C.,	- - - - -	407 Second Ave., New York
King, Charles F.,	- - - - -	134 Glen St., Glens Falls

Kingsley, Edwin A.	County Court House, New York
Kirby, Helen E.	Cortland
Lammert, H. C.	539 Bergen St., Brooklyn
Law, Robert R.	Cambridge
Little, A. P.	409 Powers Building, Rochester
Loeb, William, Jr.	249 State St., Albany
Loewenstein, Louis	Court House, Troy
Loughlin, Peter J.	County Court House, New York
Lowe, A. W.	Mexico
MacClinton, Seth B.	56 Pine St., New York
Macnoe, Thomas D.	Ellicott Square, Buffalo
McEntee, Edward C.	161 Jay St., Albany
McEwen, Daniel C.	160 Stirling Place, Brooklyn
McLoughlin, Peter P.	150 Nassau St., New York
Macklin, Robert	County Court House, New York
Mambert, Alvin E.	Court House, Troy
Martin, John P.	27 Pine St., New York
Mason, Wm. L.	156 Fifth Ave., New York
Mehan, Rose J.	78 Eagle St., Troy
Miller, Charles M.	The Packard College, New York
Morrison, Charles A.	County Court House, New York
Moore, Sarah A.	Elmira
Moore, James P.	Surrogate's Court, Buffalo
Moynahan, Bartholomew	120 Broadway, New York
Munson, George W.	Rochester
Munson, James E.	1186 Lexington Ave., New York
Murdock, Herbert C.	Elmira
Murphy, P. Swart	Gloversville
Murray, George A.	Tweddle Building, Albany
Murray, John B.	Delhi
Nealia, James J.	County Court House, New York
Nichols, Wm. W., Jr.	Plattsburgh
Noonan, James J.	32 Nassau St., New York
North, J. B.	Fort Edward
Nugent James	New York
O'Dowd, Farrell F.	Tribune Building, New York
Ormsby, Senter H.	Court House, Brooklyn
Ormsby, Sidney C.	Mills Building, New York
Ormsby, Wat. L.	County Court House, Brooklyn
Ormsby, Waterman L., Jr.	267 W. 11th St., New York
Osborne, Thomas W.	32 Franklin St., New York
Osgoodby, Wm. W.	717 Powers Building, Rochester
Pagan, C. F. H.	300 Mulberry St., New York
Parsons, Clarence A.	55 Liberty St., New York
Playtor, H. A.	Surrogate's Court, New York
Potts, John R.	150 Nassau St., New York
Rawle, Joseph N. B.	State and Court Sts., Brooklyn
Readshaw, Benj. W.	128 Bird Ave., Buffalo
Redfern, Caleb R.	34 W. 26th St., New York
Reilly, John F.	14 Grand Ave., Brooklyn
Requa, Charles H.	County Court House, Brooklyn
Richards, John W.	6 Lee Ave., Brooklyn
Ridgway, Miss A. K.	145 Broadway, New York
Robbins, Edwin N.	County Court House, New York
Rodgers, Spencer C.	115 Oakwood Ave., Troy
Rose, Theodore C.	Elmira
Ruso, James M.	Tweddle Building, Albany
Ryan, Richard W.	Room 17, P. O. Building, New York
Sackett, A. B.	Canandaigua
Sammis, Whitefield	150 Nassau St., New York
Shalvey, Edward J.	Court House, New York
Shaughnessy, Edward	"The Columbia," Rochester
Smith, Henry G.	County Court House, New York
Smith, Isaac K.	Peekskill
Smith, Thomas F.	5th Av., and 23rd St., New York
Smith, Carrol F.	25 Chestnut St., Albany
Soule, Herbert C.	717 Powers Building, Rochester

Spellman, Benjamin F.,	- - - - -	172 Grand St., New York
Standfast, John,	- - - - -	County Court House, New York
Teller, Claribel,	- - - - -	Seneca Falls
Thomas, William M.,	- - - - -	Attorney-General's Office, Albany
Thorne, Henry W.,	- - - - -	Johnstown
Thornton, George H.,	- - - - -	79 White Building, Buffalo
Tombo, Dr. Rudolf,	- - - - -	2 Ridge Place (Mott Haven), New York
Uhlein, John C.,	- - - - -	Watertown
Van Valkenburgh, Willis,	- - - - -	15 Broad St., New York
Vaughn, William W.,	- - - - -	First District Municipal Court, New York
Walsh, Richard W.,	- - - - -	324 Prudential Building, Buffalo
Waldo, Lucius A.,	- - - - -	Bath
Walworth, George S.,	- - - - -	110 E. 125th St., New York
Warburton, Fred. J.,	- - - - -	Tribune Building, New York
Watts, Thomas,	- - - - -	Middletown
Weaver, A. B.,	- - - - -	2 Erie Co. Bank Building, Buffalo
White, Mrs. Clara A.,	- - - - -	Chemung Bank Building, Elmira
Wilson, John H.,	- - - - -	Court House, Syracuse
Wilson, Marie A.,	- - - - -	Potter Building, New York
Wood, Harry W.,	- - - - -	81 Nassau St., New York
Woodle, Leopold,	- - - - -	96 Broadway, New York
Wortman, Wm.,	- - - - -	Hudson
Young, Charles P.,	- - - - -	54 William St., New York
Zieger, George,	- - - - -	170 E. 121st St., New York



1876

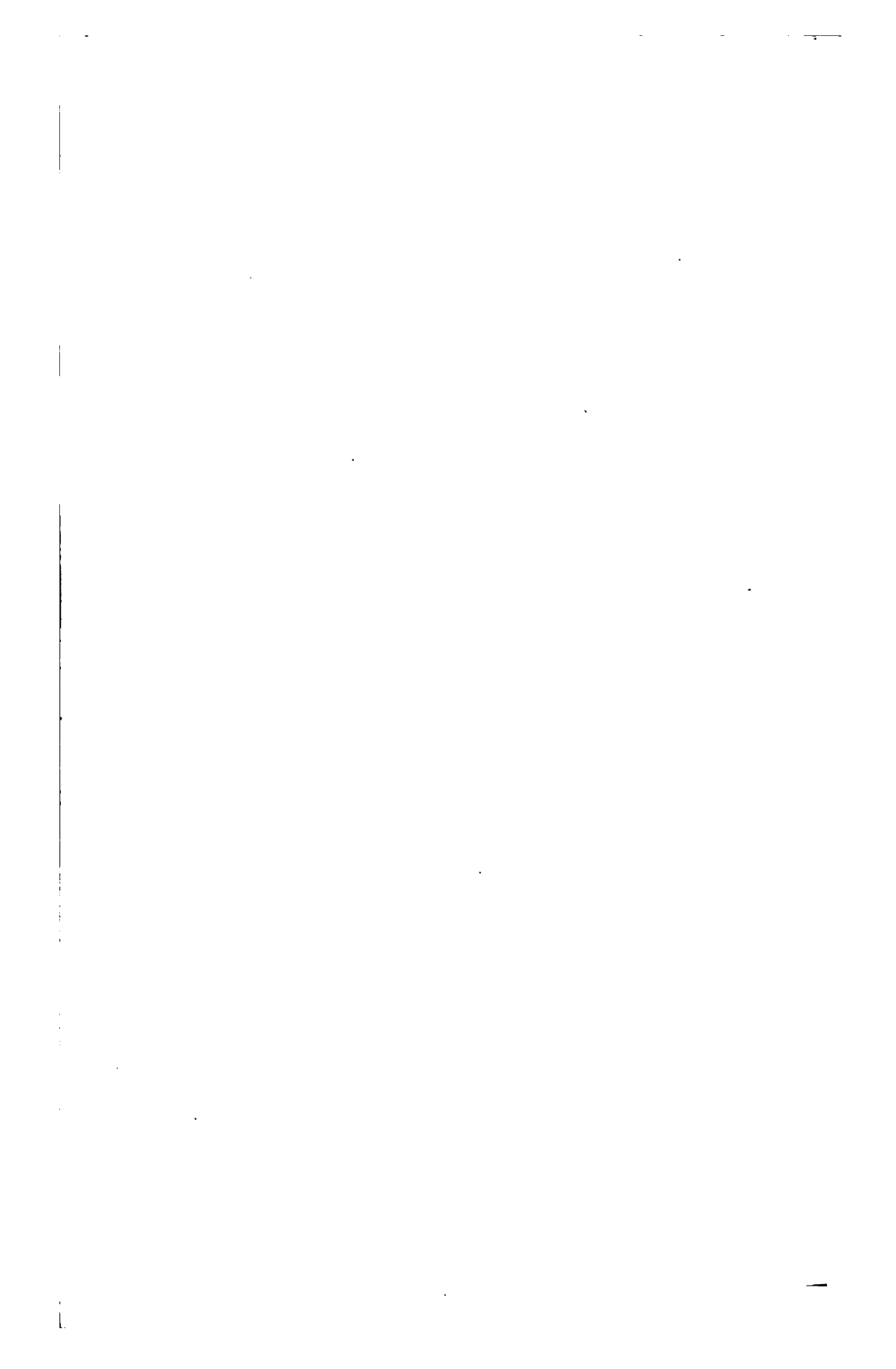


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NEW YORK

NOGRAPHY

STRAUSE





JOHN E. KELLY,

President New York State Stenographers' Association.

PROCEEDINGS

of the

NEW YORK STATE

Stenographers' Association,

**INCLUDING PAPERS READ,
DISCUSSIONS, ETC.,**

at the

Twenty-fifth Annual Meeting,

held at the

ST. GEORGE HOTEL, BROOKLYN, N. Y.,

August 23 and 24, 1900.



ALBANY, N. Y.:

**WEED-PARSONS PRINTING COMPANY, PRINTERS,
1900.**

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The New Eng. Northend
Reporters' Union.

REPORTED BY ARTHUR B. COOK, DREXEL BUILDING, NEW YORK.

N. Y. S. S. A.

TWENTY-FIFTH ANNUAL CONVENTION.

PROCEEDINGS.

The twenty-fifth annual meeting of the New York State Stenographers' Association was held at the St. George Hotel, Brooklyn, on Thursday and Friday, August 23 and 24, 1900.

The following members and guests were present:

ACTIVE MEMBERS.

BAILEY, CHARLES H.....	Buffalo.
BALLANTYNE, MISS M. J.....	Rochester.
BIGELOW, TIMOTHY	Brooklyn.
CAREY, JOHN B.....	Brooklyn.
CARROLL, JR., EDWARD.....	New York.
CHERRY, WILLIAM P.....	Brooklyn.
COOK, ARTHUR B.....	New York.
FAGAN, DUDLEY J.....	New York.
FLACK, GEORGE F.....	New York.
FARRELL, JOHN G.....	New York.
HEFFLEY, NORMAN P.....	Brooklyn.
HEMSTREET, WILLIAM.....	Brooklyn.
HILL, KENDRICK C.....	New York.
KELLY, JOHN E.....	Troy.
LOEWENSTEIN, LOUIS.....	Troy.
MACCLINTON, SETH B.....	New York.
McLOUGHLIN, EDWARD J.....	Brooklyn.
McLOUGHLIN, PETER P.....	New York.
MAMBERT, ALVIN E.....	Troy.
MARTIN, JOHN P.....	New York.
MURRAY, GEORGE A.....	Albany.
NORCROSS, JOHN E.....	Brooklyn.

ORMSBY, SENTER H.....	Brooklyn.
ORMSBY, SIDNEY C.....	New York.
ORMSBY, WAT. L.....	Brooklyn.
REQUA, CHARLES H.....	Brooklyn.
RODGERS, SPENCER C.....	Troy.
ROSE, THEODORE C.....	Elmira.
SAMMIS, WHITEFIELD	New York.
THOMAS, WILLIAM M.....	Albany.
TOMBO, RUDOLF	New York.
WHITE, MRS. CLARA A.....	Elmira.
WOOD, HARRY W.....	New York.
WOODLE, LEOPOLD	New York.

HONORARY MEMBERS.

BEALE, CHARLES C.....	Boston, Mass.
DEMMING, HENRY C.....	Harrisburg, Pa.
HEAD, ARTHUR	Towanda, Pa.

OTHERS IN ATTENDANCE.

Taylor McBride, Edwin C. Cloyd, Minetta C. Reichart, Curt M. Treat, A. A. Derrick, B. S. Barrett, Mrs. Swallow, Miss Arnold, Dr. and Mrs. Bryan, Mrs. FitzSimmons, A. C. Starin.

Thanks are due to the newspapers and their representatives, for excellent reports of the convention.

Letters of regret were received, from F. E. McGurrian, Salt Lake City; Alphonse Desjardins, Levis, Canada; Jerome B. Howard, Cincinnati; Henry L. Beach, Binghamton; George L. Thomas, Albany; Louis E. Schrader, Wheeling, W. Va.; James P. Bacon, Boston; N. Stewart Dunlop, Toronto, Canada; Henry F. Walch, Grand Rapids; David Wolfe Brown, Washington; J. D. Campbell, Spartanburg, S. C., and others. Also autograph shorthand letters from Mrs. Eliza B. Burnz and Benn Pitman.

The place of meeting was exceptionally advantageous, the sessions being held in the "sun parlor" of the St. George hotel. This great room, eleven stories above ground, is almost completely walled with glass, and commands a magnificent view of New York harbor and a considerable portion of the Boroughs of Manhattan and Brooklyn. This unsurpassed scenery, within the view at all times during the meeting, added greatly to the inspiration and charm of the occasion. These attractions, and the homelike character of the headquarters, contributed to make the social side of the convention especially pleasant.

FIRST SESSION.*August 23, 10 a. m.*

The convention was called to order by President John E. Kelly.

The PRESIDENT: For the information of those who are not members of the association, I will say that our meetings are public, and we are always glad to have with us visitors. I avail myself at this time of the opportunity of presenting to all such, and especially those who are interested in the advancement of our profession, a hearty welcome.

It gives me great pleasure to introduce to you Mr. Charles H. Requa, an honored and respected member of our association, and one of the official stenographers of the supreme court, of the second judicial district. Mr. Requa has been designated by his Greater New York confreres to say to you a few words of welcome.

WELCOME.

Mr. REQUA said:

Mr. President, ladies and gentlemen:

"You are very welcome to our house.

It must appear in other ways than words

Therefore I scant this breathing courtesy."

It is nearly an hour after the time for us to assemble, and we have much more work before us, perhaps, than we realize. I think a single glance at the program will suggest to the experienced stenographer that there is a great deal behind it. There are many papers of serious importance to be discussed. There is much to be learned from their discussion, and from their careful treatment by those who have kindly consented to prepare them and present them for your consideration.

There has been much effective and intelligent work by that part of the committee in charge of the program; and not being one of those, I need not be modest in that regard. I can, with the rest of you, appreciate the earnest work that has been done in the preparation of this program.

We would like to have had, to welcome those who have come from a distance, a Dewey Arch; but we did not have it, and we have not got it. But you really are not entitled to it, in these days of exactitude, when stenographers have to submit to all sorts of requirements and tests, devised, proposed and propounded by those, as a rule, least competent to devise, propose and propound them. You have not qualified for a Dewey Arch. You have none of you been to Manila, nor have you received a grateful government's recognition of services there, in the presentation of valuable real estate for instantaneous transfer to those who have not been to Manila. Nor, so far as I am

aware, have any of you accepted a nomination which was never tendered you. But still, all those things may come to pass, and after you have earned the Dewey Arch perhaps we will earn the ability to put it up for you. When we have, we will erect it for those who have come from a distance as far as Niagara's roaring torrents, and down the Mohawk Valley, and along the banks of the Hudson, and some, I understand, have come from other states; and there are delegates, if I am correctly informed, from the National Convention also.

Some of our members who were to have been with us may be unavoidably absent, and I know of several instances where such is the case. For instance, our esteemed fellow-member, brother Bishop, was not able to be here, but with that large-hearted liberality which characterizes him, he has sent us down some solid information and wisdom in a large and liberal package, for the benefit and enlightenment of the organization, on the subject assigned to him for his consideration. I trust it will be as beneficial as it may be voluminous. I have not seen it yet. The other papers speak for themselves, and it is not necessary for me to dilate or expatiate upon them. They will develop as they go along, and it is not necessary nor wise nor discreet to occupy your valuable time in advance of what is to come before you. Neither do I wish to infringe on the province of the presiding officer and others who will consider these matters in their respective addresses. But it is evident to any observer who glances at the program, that the men who can treat the subjects assigned them, and who will do so, I am sure, to your satisfaction, are men who have made their mark in the world. I do not mean merely with the pen, as some of the wills are signed, and other documents, for obvious reasons; but who have made their mark otherwise, and who leave their footprints on the sands of time; men who are thoughtful, men who are experienced, who are capable, who are competent; men who have those traits that bring success, and having them, have won it; men who are entitled to it, or who would not get it. For daily we see, more and more, in the competition of business, that the fittest succeed, while the weaker go to the wall, and therefore it is nothing but a reaffirmation of the doctrine of the survival of the fittest.

It is simply, then, a matter of persevering toil, it is a mere matter of unceasing labor that brings success. I don't know any royal road by which you may acquire success. You can sit down and acquire the theory of shorthand in a little while. You can acquire enough of it to teach others, without knowing very much about it practically, yourself. But you cannot practice it. You have got to turn and overturn your language, over and over again, until you have a vocabulary at your fingers' ends, so

that you are able to use it with freedom. And then it is only by close attention and application that you are able to accomplish good results,—unless you happen to be like that young stenographer who, when asked if he ever had any trouble in keeping up with a speaker, replied, no, the only trouble he ever had was in finding a speaker who could keep up with him. But that is not the usual program, and therefore it is by hard labor and hard toil that we win our spurs, and succeed in this active battle of life. It is the one profession of all others that seems to me the most trying and exacting, and of the severest tension,—and for this simple reason: that we have to take the pace of others. I refer more particularly to those of us who are officials in various courts. It matters not how tired you are, and the more tired the more the whip and spur go on. When you get to the close of the day, and you would fain lay down your pen, in comes another case, with fresh counsel, fresh witnesses—I was going to say a fresh judge, but that would be disrespectful. The judge is not renewed, however, and we go on, whip and spur applied, almost mechanically.

These are matters for consideration in an organization like this, and there ought to be a remedy. But I am not going to weary you with my much speaking. There is a great deal to come before you, and much time will be required. Discussion intervenes between these various papers. The length of the papers I know not, and I will not further bore you. I will merely remind you once more that the only way we can succeed—the only way we have succeeded, so far as we have attained success, is by hard and patient labor.

" 'Tis toil that over labor
Gives man his proud control.
It purifies and hallows
The temple of the soul.

It scatters foul diseases,
With all their ghastly train;
Puts iron in the muscle
And crystal in the brain.

In every angel flower
That blossoms o'er the sod,
Behold the Master touches,
The handiwork of God."

The PRESIDENT: On behalf of the association, I will call upon Mr. Rose to respond to the hearty welcome accorded us to the "city of churches."

Mr. T. C. ROSE spoke as follows:

Mr. Requa, and ladies and gentlemen: I am very much surprised at being called upon to respond to this address of wel-

come. I did not know that this part would be assigned to me, until I came into the room a few minutes ago, and I am entirely unprepared for its performance. But in behalf of the New York State Stenographers' Association I thank you for your kind words of welcome to your beautiful city of churches and homes. This, I believe, is our silver anniversary, and I do not know of a more suitable place for holding our meeting. Brooklyn has always been noted for its hospitality, its progress in education, and in all that elevates and ennobles mankind. A city of churches must necessarily be a good city. The teachings of your distinguished teachers and preachers have not been confined to the limits of your city, but have had a world-wide scope. I cannot at this time go over the long list whose influences have been felt in all countries. We recall your great Henry Ward Beecher and his distinguished patriotic services in the "times that tried men's souls," and we recall the beautiful thoughts and words of the Rev. Theodore L. Cuyler, whose name I have the honor to bear,—thoughts and words that have encouraged and cheered struggling humanity, not only in our own land, but in all lands. We recall your many distinguished statesmen and citizens who have served our country in war and in peace. I never think of Brooklyn but I recall to mind the old Fourteenth Brooklyn Regiment with whom my own regiment was closely associated in several trying campaigns. But not only in this way do I remember your city, but I remember it as being the home of some of our most expert stenographic reporters, who have not only been an honor to your city but to our profession as well. We stenographers from up the state have come down here at this time to be enlightened and instructed in those things that will help us in the performance of our labors in our chosen profession,—to rub off a little of the rust that may have accumulated, and that we may be better prepared for our duties. I understand that it is the custom of our politicians and of our legislators to run down to the city every little while to get their cue, as they express it,—to get a little of the hay-seed out of their hair, and to take on a little of the polish, not to speak of anything else, that modern city life and ways may afford to them. Following that custom, to a certain extent, we have come down to your city, and, judging from our past experience, we are confident that we shall go back very much benefited and with a renewed inspiration for the work of the coming year. Again I thank you for your generous and hearty welcome.

President Kelly then delivered the annual address, as follows:

PRESIDENT'S ADDRESS.

Members of the Association:

A QUARTER of a century ago, at Syracuse, was formed the New York State Stenographers' Association. Unlike most stenographic organizations, our Association has prospered beyond the fondest hopes of the eight enthusiasts who fathered its existence. At the very outset it seems appropriate to call your attention to the roll of honor of the charter members of our Association, which is as follows: W. W. Osgoodby, S. C. Rodgers, W. O. Wyckoff, T. C. Rose, Worden E. Payne, C. G. Tinsley, F. J. Morgan, A. L. Woodward. Of these, two are deceased, three are no longer members, and of the three remaining, two, Messrs. Rodgers and Rose, are honoring us to-day by their presence. If I were not mindful of the well-known modesty of these two gentlemen, I would gladly publicly recount at this time the many invaluable services rendered the Association by each of these ornaments of the profession.

The chairman of the first meeting was S. C. Rodgers. It is with pardonable pride, therefore, that I, the junior member of the firm of which he is the senior, preside over your deliberations at the Association's silver jubilee.

Other states, from time to time, have organized Shorthand Associations, but, unfortunately, the words born, lived and died sum up their life history.

From the eight who met at Syracuse in 1876 we have grown to one hundred and forty-nine. This includes the official court stenographers of the state, with a few exceptions. For this we can primarily be grateful to the little band of professional reporters—for the amanuensis was scarcely known in those days—that gathered and formed the nucleus of the Association, without reward or hope of the same, intent on no professional contest, moved only by a desire to elevate and to dignify a fast-growing profession, to foster integrity, honor and courtesy in its ranks, and to cherish the grand spirit of brotherhood among its members. This, indeed, was a high aim, a noble end, a purpose altruistic.

We can well imagine how difficult it must have been to have nurtured and to have kept alive the infant Association. Since its inception it has passed through embarrassing vicissitudes. Obstacles have been met and have been overcome that would discourage us now even with our five and twenty years' experience. Periods have occurred when it seemed as though our organization was doomed to dissolution. But the faithful few who originally planned its being were vigilant nurses, and in spite of mistakes and the apathy of many the infant of 1875 is

to-day developed into a vigorous and healthy manhood. We now stand on a firm foundation, our reputation is established, our proceedings are read with interest in sister states and in foreign countries, and our deliberations and conclusions, if they have not fully as yet will doubtless in the near future receive their just consideration.

We may lay claim to having not alone stability but as well a history replete with beneficence to our members. If accomplished purposes do not establish our majority our years of experience do. Thus it is that we say that the men who labored so earnestly and zealously for the welfare of our Association are deserving of the thanks not only of our present and prospective members, but of the stenographic profession at large, for the results of their services have not been confined to the fraternity of this state, but shorthanders in all parts of the globe have felt the effects of the endeavors put forth in behalf of the profession generally by the pioneers of our organization.

Our roll-call of charter members will be increasingly cherished as the years go on and our membership grows larger.

Our meetings year by year have been the means of bringing members together in social intercourse. We have thus become much better acquainted, a most desirable consideration in promoting joint and individual interests. Friendships have been formed at these gatherings which will end only with time. It is especially noteworthy that during the Association's long existence it has been free from bickerings and petty jealousies. Differences of opinion have been easily reconciled and harmony of counsel has at all times prevailed.

The papers read at the various meetings and the discussions had thereon have formed for the fraternity a rare chapter in the volume of shorthand history. I quote the language of our honored member, Prof. Heffley, in a paper on Shorthand Societies, to Mr. Julius Ensign Rockwell, who was commissioned by the Department of the Interior to make special inquiry as to the instruction in shorthand as a specialty bearing upon the country's progress in education. Prof. Heffley's paper is printed in Mr. Rockwell's report issued by the Government in 1884. He says " * * * * For two or three years prior to this time (1876) the subject of forming an Association composed of members living outside of New York city was frequently discussed, but no concerted action was taken until after the Philadelphia convention, which appears to have thoroughly aroused the stenographers of the state to the belief that an organization for promoting their welfare was desirable. Out of this belief, together with the desire of establishing a standard of proficiency and of social and fraternal intercourse, which

constituted its primary aims, the society was brought into existence. Each member feels a deep and personal interest in maintaining its dignity and efficiency by individual exertion, and it is recognized as the most important and influential body of shorthand writers in the country. Membership in the organization is a sufficient guarantee of first-class ability. * * * Its proceedings since the third annual meeting, in 1878, containing a full report of each year's doings, including papers read, have been published in pamphlet form. The papers are considered by many to be among the ablest contributions to phonographic literature, treating, as they do, of every practical phase of the art by experienced stenographers."

The healthy growth of the Association in its later years in a great measure is due to the well-directed and energetic efforts of past officers McLoughlin and Hill, and others who have worked in harmony with them.

While the Association originally was composed of practitioners outside the now Greater New York, to-day that world-famed city furnishes nearly one-half our membership. This fact is one upon which the "up-state" fraternity may felicitate itself. Our "city" associates are men who have well sustained the standing of the profession and to fraternize with whom it is a pleasure. Cultured and courteous gentlemen as they are, as shorthand writers they are the peer of any practitioners of the art. They have labored earnestly in support of the cardinal idea enunciated at the initial meeting, when it was declared that an organization was desirable "for the interests of the profession, and necessary to the maintenance of a proper standard of competency." The accomplishment of this purpose seems to have come more slowly to our profession than to any other profession, business or occupation. However, owing to the unremitting efforts of the members of the New York City Association, the active members of which are active members of our Association, we have met with some success, and now we can see the result of their work, and we have hope for still greater achievement.

In this connection it seems appropriate to allude briefly to the licensing question, as it is a subject with which you are already familiar, and as papers on that special topic are to be read. Concerted and intelligent action has been had regarding the licensing of stenographers, the Association insisting that a test be given and competent stenographers be more fully recognized by statute. This would exclude incompetents from encroaching upon the rights which ought to be ours by reason of long years of experience and hard work, and would protect the public from botchery often charged to our profession.

The followers of most professional callings, and even some non-professional callings, have been compelled by the state to submit to a proper examination as to competency. Without much effort some organizations have secured the passage of laws which protect their members and the public as well. Anomalous though it may seem, the N. Y. S. S. A. has been unable to protect the shorthand interests and those of the public by the passage of an act requiring the stenographer who wishes to practice his profession to submit to an examination. In most professions the applicant is required to submit to a long course of study and then to pass a rigid examination before he is allowed to receive compensation professionally. Curiously enough, the most bitter opposition we have met in our efforts in this regard has arisen from the legal profession, a profession that not only demands a prescribed course of study, a regents' and law examination, but insists as an additional safeguard that each attorney when admitted must be registered. This they claim, and probably truthfully, is a protection to their profession and to the public. This is only what our Association asks, the granting of which has been unqualifiedly opposed by the New York State Bar Association. It does seem that they have not acted with a true appreciation of our position. I do not know that the matter can be presented more intelligently in the future than it has been in the past. However, I think the question is an important one and worthy of our best consideration. Shall we have some of our members, who are members also of the Bar Association, present the matter at the next meeting of the latter association, or shall we act independently of it and urge our claims before the legislature? Let us answer these questions later on by our action. At this point I may incidentally add that when the seal of disapproval was put on our efforts by the Bar Association it was at a meeting when but thirty were present out of a membership of about thirteen hundred, which is approximately one-tenth of the bar of the state. Their action, I am quite sure, eventually will not meet with the sanction of the majority of their associates.

Before leaving this all-important topic I wish to illustrate the inconsistency of the position taken on this question by Mr. F. M. Danaher, an active member of the New York State Bar Association, and one of the law examiners of the state, with his position on a similar question relating to the legal profession. At a meeting of the Bar Association held in Albany, January, 1898, Mr. Danaher submitted the report of the committee on bill for registration of attorneys, Vol. XXI, pp. 60-65, in which, among other things, the committee said:

"The doctors are far ahead of the lawyers in all the matters that pertain to the rigors of professional standing. Without going into particulars, suffice it to say that they have a very stringent registration law, which is rigidly enforced, and which has driven out of the practice of medicine during the past ten or fifteen years many hundreds of non-qualified persons, to the good of the profession in particular and of the public in general. The dentists and some other occupations are also registered. We believe that if the so-called 'conservatism of the Bar' be set aside for a short time, that equally good results can be produced to the profession and to the public by the passage of the above bill for the registration of the Bar."

The report largely has reference to dishonest practitioners and matters akin thereto. It is, however, worthy of perusal, and in the main ought to help our contention, if the Bar Association is unselfish. A year later Mr. Danaher seems to have forgotten his prior position, for the minutes of the meeting of the Bar Association held in Albany, January, 1899, Vol. XXII, page 264, read as follows:

"Mr. E. T. Lovatt, of New York: At the request of Mr. F. M. Danaher, of Albany, I read the following resolution:

"*Resolved*, That the President be and he is hereby authorized and empowered to appoint a committee to represent the New York State Bar Association before the legislature in the matter of legislation pertaining to the licensing of stenographers, and that the said committee be and it is hereby directed to oppose the same in the name of the Association, in case it is detrimental to the profession or prohibits or regulates the employment of stenographers in references, commissions or proceedings out of court, or the filing of stenographers' minutes or their use when not taken by a licensed stenographer."

Are not these positions diametrically opposed? The subsequent action of the committee appointed pursuant to the above resolution showed an unmistakable selfish view-point. However, we do not in the least despair, and we hope by further action to convert the Bar Association to a more liberal and just conception of what we believe to be our rights.

It has not been my intention to detail our history, but to remind you of the earlier days, so appropriate at this particular epoch, and of the men who made it possible for us to jointly meet, and who were devoted to the cause we aim to represent, that it might prove an incentive to more and better work and an inducement for every competent man within our borders to interest himself in the Association. Whatever has been effected has been worthy of the sacrifice it has cost. Our printed records do not in detail indicate what has been done; it is not possible that they should, nor even desirable, but such of you as are familiar with the Association's executive movements know what

a factor for good it has been and what a shield it has interposed against harm time and time again. The founders manifested their faith in the profession that the Association would be properly supported and that organization would bear good fruit, and if we admire their wisdom, zeal and faith in its establishment, can we henceforth permit it to suffer a merely passive existence? Let each one in some degree endeavor to increase our membership from the best of the stenographic material still uninscribed upon our roll.

It is with deep regret I announce the death since our last meeting of Henry G. Smith, an official in the Supreme Court, Part XII, New York city. I had the pleasure of reporting with Mr. Smith in Pennsylvania and Ormstown, P. Q., in the recent Jay Gould matter. Our friendship then formed continued until Mr. Smith's death, which to me came as a shock. From knowledge of Mr. Smith I know he must have been a devoted and loving husband and father. My heartfelt sympathy goes out to his widow and little ones left behind. At the proper time a committee will be appointed to express our appreciation of his worth.

It may not be inappropriate to allude to the death of one who though not a member, was a frequent and welcome visitor at our meetings, and who was held by us all in the highest esteem. I refer to Mrs. Henry L. Beach. We as an Association extend to our afflicted brother our sincerest sympathy in his great bereavement.

It seems but just to the Association at large to publicly apologize for my apparent lack of interest during my term of office. I have always had the interests of the Association near and dear to me, but owing to personal reasons, which to my mind were good and sufficient, I was compelled to be less active than I otherwise would have been. Without going into details further, I trust this explanation will be satisfactory.

In conclusion, I know I voice the general sentiment when I say that the N. Y. S. S. A. is to-day, its silver jubilee anniversary, the most prosperous of any organization of its kind. Rejoicing in the retrospect from this conspicuous mile-stone in the career of our organization, we tap at the unlatched door of the opening of our second quarter century with renewed inspiration and faith.

The secretary and treasurer presented his annual report, as follows:

REPORT OF THE SECRETARY AND TREASURER.

To the Officers and Members of the Association:

I beg to submit my annual report, as follows:

RECEIPTS.

1899.

Aug. 24. Balance on hand.....	\$14 07	
Dues from fifty active members for 1899-1900.....	150 00	
Sale of proceedings of 1899.....	1 50	
		<u>\$165 67</u>

EXPENDITURES.

Post Printing Office.....	\$11 32	
Clerical work, mimeographing, etc.....	10 70	
Postage	12 20	
Expended in sending proceedings to mem- bers, active and honorary, and also to members of New England Association and Executive Committee of National Association	19 06	
Weed-Parsons Printing Co., (on account, for printing 600 copies proceedings of 1899	112 29	
		<u>165 57</u>

AMOUNT PAYABLE.

Balance due Weed-Parsons Printing Co.....	\$57 67	
Balance in librarian's hands.....	4 10	
Deficit	\$53 57	
Total number active members enrolled.....	149	
Total number who have paid dues for 1899-1900.....	50	
Total number who have not paid dues.....	99	

In justice to the large number of active members who have not yet paid the last assessment, it should be said that the notice of assessment was sent out very late in the season, owing to the delay in publishing the proceedings, for which the secretary alone is responsible. While greatly regretting this delay, the secretary may perhaps plead one or two extenuating circumstances. Two years ago, when the office was first tendered him, he protested earnestly against accepting, fearing that prior obli-

gations would prevent his properly discharging the duties of the office. The position was (very kindly, to be sure,) literally forced upon him. A year ago, when the association offered him the honor of a re-election, he made a special request that a separate treasurer should be appointed. This was thought unnecessary, and the secretary resolved to go ahead for another year and do the best he could. Circumstances have not permitted him to give the matters of the association the attention which he desired to give them, nor to accomplish what he wished to accomplish. Without making tedious explanations, however, the secretary desires to offer to the members of the association the apology which is due for the delay in the publication of last year's proceedings. He hopes that his shortcomings may be pardoned, and that in subsequent years he may be able as an individual member of the association to prove his interest in its general work and welfare. (In view of the delay referred to, the secretary prefers to waive the amount appropriated for convention reporting.)

In conclusion, let me say that these two years have emphasized to me that important results have already been achieved by the association, and that other important results can be achieved in the future, if we will continue the spirit of scientific investigation, of professional interest, and most of all, the spirit of fraternity, which have characterized this association, now the senior shorthand organization of America, during the past quarter of a century.

The correspondence of the year has demonstrated the vigorous revival of the New England Shorthand Reporters' Association, the active growth of the young National Association, and the recent promising formation of the Pennsylvania State Stenographers' Association, representatives from all of which organizations are present with us to-day.

ARTHUR B. COOK,
Secretary and Treasurer.

The librarian presented her annual report, as follows:

ANNUAL REPORT OF THE LIBRARIAN.

"Ring out the bells—the silvery bells."

Twenty-five years have passed into the "shadows" and we meet to-day to celebrate our "Silver Jubilee." Of the eight original organizers of this association, three are still in the ranks and are among its staunchest supporters, one has removed from the state, two have resigned their membership and two have "Passed the bourne from whence no traveler returns."

The librarian begs leave to report that there have been mailed

and delivered to all the active and honorary members of the association, the library, the state librarian, the librarian of congress, the members of the N. E. shorthand reporters' association and the National shorthand reporters' association, copies of the proceedings of 1899, and the librarian has a few copies still in her custody.

Additions to the library are as follows: The several transcripts from their original shorthand notes of William W. Osgoodby, Robert R. Law, Peter P. McLoughlin, Wat. L. Ormsby and Rodgers, Ruso & Kelly, all being official court reporters of judicial districts of the state. Some Phases of Medical Reporting, from William Whitford, of Chicago.

No visitors have honored the librarian with a call during the year, except the local members, and no books have been loaned from the library.

EXPENDITURES.

Express charges, postage and envelopes.....	\$2 64
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CREDITS.

Librarian's yearly dues.....	\$3 00
Balance from 1899.....	3 74
	<hr/>
	\$6 74
	2 64

Balance remaining in the hands of the librarian.....	\$4 10
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Since last February, when the librarian removed to her present offices, the library has consisted of three distinct sections, namely: The library proper reserved copies of the proceedings of the majority of the previous years and the "corner pile." The latter consists of several hundred copies, all being duplicates of the reserved copies of the proceedings. The librarian has tried to receive some suggestion giving her authority to dispose of said copies, but thus far has been unable to do so. She is unwilling to devote the space in her office to them any longer; so, what shall be done with the "corner pile?"

"Elements each other greeting,
Gifts and powers attend our meeting."

Faithfully submitted,
M. JEANETTE BALLANTYNE,
Librarian.

ROCHESTER, N. Y., August 21, 1900.

Upon motion, the reports of the secretary and treasurer, and of the librarian, were received and placed on file.

The PRESIDENT: At this time the chair will appoint as com-

mittees: on place of meeting, Spencer C. Rodgers, Charles H. Bailey and Mrs. Clara A. White.

On nominations, Wat. L. Ormsby, Alvin E. Mambert and Theodore C. Rose.

The secretary read the letter following:

CINCINNATI, O., *August 20, 1900.*

MR. ARTHUR B. COOK:

MY DEAR SIR: I shall be with you in spirit, and most heartily I wish you may have a pleasant and profitable gathering at your twenty-fifth annual meeting. I should much like to be present with you, but my duties are such that I could not at present leave them and feel at ease.

I would like to suggest a thought. Reporting has now risen to be an honored profession, mainly because its members can do what once reporters professed to do, but could not! That is, report absolutely verbatim. I have just finished reading Roy-lance Kent's historical sketch of the struggles of the English people for political and parliamentary reform, embracing the period, fresh in my memory, from the passage of the great reform bill of 1832, enfranchising the middle classes; the so-called "chartist" struggle, for the political rights of the working class; and the middle class fight for the repeal of the Corn Laws, down to 1852, when I left England, and I have been struck with the earnestness of the fight, and the equally determined opposition that was made, for more than fifty years, to establish the right of reporting the parliamentary debates. From our present American standpoint it is amusing to think that the universally-beloved Sir Walter Scott,—rank Tory as he was,—regarded the demand as a simple "outrage." But the question is not fairly presented, nor can the objections be rightly weighed, unless it be borne in mind that accurate, verbatim reporting was not at the time possible, except in rare and exceptional cases. As late as 1850—and at that time there was not a phonographer in the gallery of either house of parliament—Gladstone, who favored the concession, said, "The speeches in parliament are ill reported even now." We have lived to see the day when accuracy and entire reliability in reporting court and congressional proceedings are accepted as matters of course! All honor, then, to the men and women whose skill and ability have secured to us the means of *truly* recording history,—a most important and necessary step in our advancing civilization.

With sincere respects for my professional brothers and sisters, and with best wishes for a successful meeting, I am with personal regards for yourself,

Your friend,
BENN PITMAN.

The following paper was read by Mr. Whitefield Sammis:

THE CIVIL SERVICE REFORM IDEA.

BY GEORGE R. BISHOP, OF NEW YORK.

AT our 1898 meeting papers were read which were apparently inspired by contemplation of certain new methods that are coming into vogue more and more, of testing the fitness

and competency of candidates for official stenographic positions. Those papers commanded the close attention of those who heard them, and no doubt have been attentively perused by many who did not have the good fortune to hear them. The fact that any of our members had taken the pains to discuss the subject so practically and comprehensively, was gratifying to the author of this paper, who, in an essay read at one of the meetings of the association held at Lake George more than a dozen years ago, had been the pioneer in introducing the subject to the attention of the association. That early paper undertook to discuss the applicability of recognized civil service reform principles and methods to the appointment of official stenographers, at a time when the competitive system of determining fitness and competency for places in the service of the state, had been applied in a much more limited way than it is at present. To me, as the author of that early paper, certain events that followed the printing of it, were especially gratifying: First, the then New York State Civil Service Commission—a body composed of men of eminent character and ability, including the late John Jay and Atty-Gen. Augustus Schoonmaker—did me the honor to incorporate into its then next annual report, an extract of considerable length from my essay; and secondly, not long afterwards the late James Russell Lowell, then lately returned from honorable service in England as our American Minister Plenipotentiary, delivered an address in New York city on The Independent in Politics, in which—and doubtless without ever having even heard of my paper—he employed an illustration that I had used. This point was, that the system of making removals at short intervals—as, with each change of administration—and appointments to the vacancies thus created at the instance or behest of those who make a business of politics, as rewards for political services and with but slight if any reference to the qualifications of the candidates for the respective places, would be matched and paralleled if some great manufacturing establishment should at short periods discharge all its experienced workmen and entrust the doing of the work in which they had become experts, to untrained apprentices—the 'prentice hand, as Lowell phrased it. The illustration still seems to me to be expressive and forcible; and the fact that it occurred to and was used by one of the most practical-minded of our American thinkers and scholars—one who had attained distinction in the public service—seemed to be a further guaranty of its appropriateness.

The question may be asked, why, having so long ago discussed, somewhat, the general principles on which the modern system of open competitive examinations is based, should I further debate the same subject. My answer is, that in the

midst of discussions concerning details and practical applications, it is well to occasionally revert to fundamentals,—to elementary principles,—especially so long as men of prominence and influence politically,—in fact, candidates for important administrative offices—question the wisdom of those fundamental ideas, and deprecate the whole system based on them;—for it is true that there are candidates, who have either threatened or implied that if elected to office they will, to the extent of their power, undo the new method, and restore the old based on the aphorism that to the victors belong the spoils, however seriously the displacing of experienced public servants may demoralize and injure the public service or, in critical crises, imperil the safety of the State. And in the midst of allegations that these claims of the civil service reformer are novelties, mere doctrinaire nostrums for the remedying of evils that are exaggerated or purely imaginary, it is well to recall the historic justification and precedent: for with Washington declining, as his correspondence shows he did, to give an appointment to a personal friend on the ground that in his estimation the friend lacked the qualifications necessary to fit him for discharging the duties of the office, and Jefferson declaring that his one test, in considering a removal or an appointment was, “Is he honest? Is he capable? Is he faithful to the Constitution?”—the criticism is easily answered; and we easily demonstrate, by those two citations and almost numberless others, that instead of being novelties, vagaries of a sensational time, these principles and doctrines whose practical carrying out we advocate, really represent a recurrence to first principles, and have their justification and sanction in the declarations and practices of our early statesmen whose devotion to the best interests of their country none but the ignorant would ever call in question. Especially is this true of the founder or alleged founder of one of the great political parties; for the ninth volume of the newest edition of the works of Jefferson bristles with quotable passages bearing on this very subject; and as against the assumption that it is legitimate for any party or faction to place the determination to work a political victory for all it is worth above the obligation to use the victory for giving the public the best possible administration of existing laws, the declarations of those men whom the whole country holds in reverence stand in emphatic protest. To further illustrate this I will add, that this same latest edition of the works of Jefferson exhibits him (in volume X), in a letter written but a few years before his death, as denouncing, in emphatic terms, the so called Four Years Law (a law not yet repealed), by the operation of which law most federal appointive offices, except judicial, become vacant at the end of four years from the date of appointment to them: the letter making it clear

that this venerated statesman, author of the Declaration of Independence, representative of his country in France during a very trying period, Secretary of State under Washington and for two terms President, saw how absurd it was to remove a public servant just when he had had time to become thoroughly efficient by familiarity with his duties, and putting into his place the mere 'prentice hand.

The crucial test of any proposed measure or method for the reformation of administrative defects or abuses is, as all will admit: Will it insure to the State, and to all the people irrespective of the parties they profess to belong to or whether they belong to any, the most just, efficient and impartial execution of the laws, and the best carrying on of the machinery of government? This as a proposition would seem to be axiomatic. The ideal administration certainly must be that one which perfectly serves the whole body of the people, knows no distinctions, tolerates no favoritism. This high ideal concededly everywhere fails of complete realization; but those who administer the laws partially and with favoritism, will almost invariably disclaim the partiality and favoritism: illustrating the homage that official viciousness pays to civic virtue. The public official who should declare that it was his purpose to show partiality in performing his duties, or he who, whether responsible as a public officer or as controlling public officers, should declare that his main purpose was to fill the pockets of himself and friends at the expense of the public, would bequeath to his children a name that would make them ashamed of it and of their ancestry. The best for the State, and for all its people,—that is the end to which the patriot will direct his efforts; and to the extent to which carrying into practice the system now under consideration will promote the attainment of that end, to that extent it must be commendable, in the estimation of every thoughtful, patriotic citizen.

I conclude that others who will discuss the matter will touch on improvements possible to be made, in methods of ascertaining expert stenographic fitness. Obviously the answering of written questions, the method resorted to for ascertaining competence for many kinds of service, would go but a little way in establishing expertness in this particular line. Any recognized method adequate for determining qualifications of a general educational character, would suffice, so far as testing that sort of qualification was concerned; and the importance of such qualifications I not only touched on in my old first paper already alluded to, but the elaborate essay of Mr. Desjardins, contributed in 1893, most wisely emphasized the indispensability, for a reporter of speeches and debates, of certain qualities about as distinct from the purely mechanical as could be imagined;

such, in fact, as would enable the reporter, without sacrificing anything of the spirit and meaning of the thing reported but really the better bringing them out, by slight touches, imperceptible perhaps to the speaker himself, to give a form and tone of literary perfection to the work that would enhance the value of the matter when published,—qualifications which our friends of *The Congressional Record*, in the Senate and the House, are supposed to possess in large degree. As to such qualifications as come from familiarity with legal literature—and these I have always claimed should not be ignored, in a law stenographer—those could be readily ascertained, in various ways that would suggest themselves to any competent examining committee, and need not be enlarged on or even outlined. But the establishment of *stenographic* expertness must necessarily be a matter of some complexity, because the field of work into which the expert goes is so varied; a fact so well known that it is not needful to even illustrate the point. The candidate who should very successfully pass such examinations as those described in the papers of 1898, might, on the very first case he reported afterwards, find himself confronted with a situation in which every test ever applied, except that of varied experience in practical reporting, would fail, or be shown to have been inadequate. We have all had the experience of having our calculations overturned, our anticipations of a simple, easy-going session rudely shattered, by having interjected into the proceedings we were reporting a discussion, very rapid and very confused, or the testimony of a witness who never answered questions categorically but rushed through recondite explanations so rapidly that counsel listening intently, with ears strained and attention concentrated, would declare, at the end, that they had not comprehended or understood the testimony, and would have to rely on the stenographer's transcript to ascertain what really had been going on—perhaps considerably requesting that it be all at once read aloud, for the general enlightenment of judge and counsel! All of which goes to show, that probably a longer probationary period is needed, in the case of the official stenographer not already thoroughly tested, than in the case of most officials, for the reason that the experience of one day is so unlike'y to correctly foreshadow that of the next, and that a whole month's work might fail—because of the simplicity or moderation of the proceedings—to permit the thorough testing of a stenographer. Mr. D. F. Murphy once described to me how the breaking on his horizon of a new senatorial luminary from California, greatly increased the difficulty of his work, rendering it more difficult than he had ever before found it to bring out his notes in such shape that his customary transcription methods could be pursued, when that orator addressed the Senate; and we have

all encountered the speaker whose methods of address smashed all the theories we had built up on past experience. Applying the illustration to the present discussion, this means, simply, that cases will arise, the peculiarities of which no examining body could foresee, or test the competency of a candidate to meet; which nothing short of years of rugged experience could prepare him to meet successfully; which could not be artificially created or prepared, in order to supply a test for that description of work. The applying of rules of examination—the construction or framing of rules therefor—would thus be a very different matter, that being the end in view, from accomplishing the same purpose when the end in view was the testing of applicants for positions in, say, the post-office or the custom-house. The criticism was made, by myself for one, that the methods described by the papers of 1898, though good so far as they went, would be inadequate. The above suggestions indicate some of the points at which they would clearly be insufficient. Mr. Morison was certainly right in asserting the impropriety of including, in an examination of applicants for official stenographic positions in courts of record, any test in typewriting; for the reason that probably not one of our most experienced writers has ever become an expert user of the machine; all, whose skill has been such as to establish for them a reputation which brought them a large amount of work, having been compelled to rely on amanuenses for the getting out of their transcripts. Its inclusion in any of the tests imposed in the examination of applicants for such stenographic positions as we have in mind, illustrates the extent to which ignorance of the difference between an expert professional stenographer, himself often a very extensive user of shorthand amanuenses, and such amanuenses, prevails; many who assume great knowledge on the subject occasionally startling us with a suggestion that reveals to us the fact that they are so ignorant on the subject as not to know there is such a difference.

In 1898 and 1899 the question was discussed, in substance,—how should an examining committee to which is delegated the examining of candidates for expert stenographic positions, be constituted? and the consensus of opinion was, that it should be composed of expert professional stenographers—not of lawyers, or any one else than stenographers. In the Massachusetts instance described by Miss Burbank, the nearest approach we have heard of to the method we advocate as alone sensible, was shown; two official stenographers, and the district attorney of the county for which the appointment was to be made, having constituted the committee, and the brunt of the labor having fallen on the stenographic members. This point is so important that it ought certainly to be made to the authorities who

have the selecting of such committees; then, there could also be imposed the effective test of furnishing a record of actual proceedings, and repeating that test till a case of extraordinary difficulty should be encountered. However, it is not my purpose to discuss details, except very incidentally and as illustrations.

Some criticisms of the competitive examination system are so common that they may be called stock criticisms; and I may be permitted to state an incident that will illustrate one of them. Some years since I called, by invitation, with a stenographic friend whom I wished to introduce, on one of the best known judges of the New York Supreme Court, and during the evening reference was made by me to Civil Service Reform methods of appointment to various specified positions in the State service. The judge made the criticism, that not long before he had been interested in securing official assistance, and it had taken the Civil Service Commission several months to supply it, though the quality of the supply had evidently been satisfactory, when the supply came. The obvious answer would be, that if the most who applied were unequal to the tests imposed, then it was better to wait till a well qualified candidate was placed on the eligible list; or if the position were uninviting, because the compensation was poor or for any other reason as simple as that, then the pay should have been increased; or there may have been another reply that would have been most appropriate,—that the appropriations had been insufficient to permit the commission to conduct the necessary examinations. For example, each year in Congress a discussion arises over the appropriation for the expenses of the National Commission, and almost always, if not indeed in every case, the appropriation has been so inadequate that the work of the commission has been hampered and rendered less effective than it would otherwise have been; and congressmen who have not only voted for reductions of appropriations, but to cut them completely off, have been profuse in criticisms of defects that might have been remedied, if they really existed, by permitting the commission to carry on its work untrammelled by lack of funds. To a reader of these yearly congressional debates, it might seem that the most appropriate illustration of such criticisms would be the case of your market-man—to suppose a case—lamenting to you a scarcity of supplies so great as to compel him to fix his prices extraordinarily high, while, unbeknown to you, he was entreating those at the source of his supply not to send more for the reason that he was already overstocked! The legislator who criticises an administrative defect and at the same time opposes the measures indispensable for remedying it, has certainly failed to place himself on the road to the establishment of a reputation for statesmanship. He leaves it to be suspected that

back of the criticism, or at the foundation of it, lies a determination to dictate the filling of administrative offices, instead of devoting his time as a legislator to the duties of legislation, pure and simple.

It will be remembered by some that that most celebrated chapter of Montesquieu's *Spirit of the Laws* in which he eulogized the separation, by the English Constitution, of the legislative, executive, and judicial departments of government, eulogized a separation which we have largely adopted into our own system; so largely, in fact, that we now follow the old principle of such separation far more closely than England does. In England, as such high authorities as Professor Maine and Albert Venn Dicey have pointed out, the House of Commons has gradually absorbed nearly all powers into itself, now that the cabinet, a body not known to the British Constitution, is made up of leading members of the controlling majority of the House and becomes "the government"—the seat of executive power; a confusion of departments such as has not yet taken place in this country, and such as it is to be hoped will not take place here. We retain, theoretically, and to a larger extent than England practically, the separation that so attracted that distinguished French publicist when he contemplated a system then dominant across the channel; and it can be readily perceived that if we wish to preserve it for ourselves, it behooves us to frown upon and prevent congressional interference—except by such senatorial confirmation of appointments as we have from the first had—with the executive department and its selection of its servants. The system of open competitive examinations now so broadly applied in the federal service, has doubtless drawn to itself, and will continue to have directed to it, the animosity of such congressmen as desire to interfere with or dictate the appointment of executive public servants; but the hope is, that the people will become more and more intense in their determination to keep the great departments of government separate—each from undue interference with the other. This will hold us to the old landmarks and distinctions that were fixed at the foundations of the government; one of the most serious menaces to the preservation of which has been the insistence of legislators that it was one of their prerogatives to dictate to the executive the appointment of those who should aid him in the administrative civil service. If a better method than the open competitive, and one more just and equal, should be at any time suggested, the wisest champions of the reform of the civil service would advocate the adoption of it; but the competitive method has commended itself to them as being the most practical, of any thus far suggested, for obtaining the highest quality of appointments to the administrative service. Up to date it

has seemed to be the most effective for securing the object sought. As applied to our own profession, some modifications would be necessary, in order to insure the best results; but as close an adherence to the open competitive method as was practicable, would seem to be desirable, simply perfecting the methods and improving the tests. It would be impossible to make a complete and adequate test from examination papers,—the candidate not known to, and not coming before, the examining body. The examination would be more closely assimilated to examinations for admission to the bar; with the candidates appearing in person, and exhibiting their expertness, before the examining committee; but I should contend that the additional or supplemental test of practical reporting on difficult matter, with one or more concededly expert stenographers on the committee, would be indispensable,—if conformity to the canon of our State Constitution were to be maintained, of making examinations in the state service competitive where practicable.

The following paper was read:

CIVIL SERVICE COMPETITIONS.

BY WAT. L. ORMSBY, OF BROOKLYN.

COMPETITIVE civil service examinations for the civil service list from which official stenographers are appointed, while affording no guaranty that the most deserving competitor will be at the head of the list, is a positive assurance that no incompetent man will be eligible for appointment. Men have been appointed to official positions before the competitive test came in vogue who only just succeeded in securing the 70 per cent. required to pass the examination. Under the competitive system no man can hope for success who does not secure a percentage considerably above 90. As a matter of fact the percentages of those near the head of the list are usually over 95. Whatever the examination may be, this assures a competent man for every official appointment. So far, so good. Yet every stenographic optimist looks forward to the time when pre-eminent ability will secure certain recognition in competitive examinations. That this is not so now is shown by the words of the chief examiner, who modestly says:

“I think we have arrived at a point where very little improvement can be made within the limits of a one-day examination. I do not mean to say that we can assert positively that the best man will appear at the top of the list in every instance. I do not think that assertion can be made of any civil service examination, so many considerations that cannot be tested by exam-

ination enter into the decision as to who is absolutely the best candidate. I do believe, however, that the best of the candidates will always be clearly separated from their inferiors by the examinations as now conducted and that they will, with very few exceptions, be rated in accordance with their ability to perform the duties required."

While I admit that no examination will reveal how a stenographer will attend to his duties after appointment, show how carefully he will invariably revise transcript so that it will be in accordance with his shorthand notes, or how faithfully he will attend to the duties of the work of a court stenographer, I think the reasons why previous examinations have not always resulted in putting the best competitor at the head of the list are, briefly, two; viz.: unequal opportunities of the contestants for hearing what they are expected to write, and the appointment of lawyers as examiners, instead of expert stenographers clothed with power to interfere with an examination when it is being improperly conducted.

The chief examiner is, I believe, at the bottom of all the trouble. To any communication addressed to the civil service commission, the chief examiner replies. As I understand, he has full charge of the preparation of the examination papers and the actual examination of the candidates, and the rating of the candidates on the examination is under his control. The commissioners' salaries are \$2,000 a year each. The chief examiner's is \$3,600. Naturally, he feels that he is a big man. While always saying that he is open to suggestions, and that he is glad to have the aid of expert stenographers, listen to his words:

"A complaining candidate can always be relied upon to misrepresent in his own favor the conditions of an examination."

Such being his well-known sentiments, contestants are not encouraged to talk freely of their difficulties after an examination and before they have secured a rating, when he asks, as he invariably does after an examination, whether the test has been fair. Plain talk and criticism must come, therefore, from those who are not candidates. The chief examiner is not an expert stenographer. He is not even a lawyer in active practice who comes frequently in contact with expert stenographers. He does not understand the requirements of an official position, and I doubt, after a somewhat protracted correspondence, whether he can be made to understand even the elements of a fair competition. He is a theorist. Yet, this is the man who holds the power in this state to make examinations fair or unfair, and to whom we must address ourselves to secure any improvement of the conditions which have existed heretofore.

The first proposition that I wish to urge is, that whatever the

examination may be, equal opportunities ought to be afforded the contestants for hearing what they are called upon to write down. This seems self-evident and axiomatic, but is a condition which has never been complied with in any previous examination. I claim that it can only be achieved by putting the candidates on the arc of a circle, equi-distant from the reader, the angle included between the extreme radii of the arc not being over 30 degrees. Examinations have always been conducted with the candidates placed in rows one behind another, and under such conditions it is apparent that the men in the corners of the room do not have equal opportunities to hear with the man who sits closest to the reader. It is also apparent that the opportunities for accurate hearing will also vary with every position in the room with the best dictation possible. With the contestants placed on the arc of a circle equi-distant from the reader, while the one directly in front has a slight advantage, yet that advantage is small. This proposition I will not discuss further.

As to expert stenographers being appointed as examiners instead of the lawyers who have invariably appeared, let me say that, if it were possible to secure as examiners lawyers who have been in active practice in the courts for many years and who were familiar with the requirements of accurate reporting, I do not believe their appointment would be objectionable. According to my experience such men give every help in their power to aid the official in making an accurate record. It is the young lawyers, who do not appreciate the difficulties we have to encounter, that make trouble for us. The easiest cases to report are the important cases with experienced counsel. But such men are not called upon to serve as examiners. With the exception of Mr. Percy L. Dudley, who served as examiner in the Brooklyn examination in 1897, I do not know of any lawyer, whose face is seen frequently in our courts, who has acted as examiner in the first and second departments. Busy lawyers, like busy stenographers, do not want to be bothered. The lawyers who have served have been young men, quite unfamiliar with practical court reporting. Further, they are not practiced dictators. No law stenographer engaged in active work can help being a practiced dictator, whose attention has been called may times by bitter experience to the liability of dictation being misunderstood, whether dictated directly to the typewriter, the shorthand amanuensis or talking machine, owing to his own indistinctness of articulation. Every practical stenographer is, therefore, more or less an expert dictator. Lawyers, on the contrary, have no such daily experience. Yet while practical stenographers have been invariably passed by, inconspicuous lawyers, without preliminary training to act as dictators, have been selected to act as examiners and

dictate tests with unsatisfactory results. I claim that lawyers are generally bad readers. I have held copy again and again while lawyers have been reading testimony to juries, and I know that the accurate reader is the exception and not the rule. The dictation for a competitive test, to be fair, must be without errors on the part of the dictator, and experienced stenographers know how to dictate accurately. Here is what the chief examiner says about the examinations last January:

"I took especial pains, by placing myself in an advantageous position during the dictation given by the other examiners, to satisfy myself as to the distinctness of the dictation and the ability of the candidates in all parts of the room to hear what was said, noting upon the copy I held any passages that I considered were indistinctly dictated for consideration of the examiners in marking the exercises."

Here is a distinct confession of the unfairness of the examinations, made with apparent candor by the chief examiner. Acknowledging the inaccuracy of the dictation, he notes passages indistinctly dictated for consideration in marking the exercises. Under such a scheme each candidate must have been judged by a different standard, and the entire object of a competition was lost; for the conditions varied with the positions of the candidates who were placed as I have indicated. The only approach to an accurate standard would be for the candidate near whom the chief examiner stood. For all the others it must have been guess-work. In the Brooklyn examination this was particularly noticeable. I am informed that the examiners were shown by one of the candidates stenographic notes, where time after time the candidate had not only written a word but drawn a circle around it to show that he was doubtful if he had understood the word correctly. When a man not only writes a word but draws a circle around it, he is certainly writing well within his speed. In my opinion, this admission of the chief examiner made that competition a farce. A distinguished judge of the supreme court told me, when I called this to his attention, that notwithstanding the directions given by the examiners not to interrupt the examination under any circumstances, the man that could not hear should have protested at the time and then applied to the court to set aside the whole examination. I may say, in passing, that I hope this advice will be followed at the next civil service examination, if a fair chance to hear everything is not afforded all the contestants.

I want to condemn the examination in different voices as unpractical, unwarrantably difficult and a parody on actual work. In court we have to recollect the names of Mr. Brown, Mr. Jones and the court, and note them in the record. In the examination in different voices by the commission, the contestant

has to recollect that Mr. Brown represents Mr. Green, that Mr. Jones represents Mr. Smith, and that Mr. Williams represents the court, and somebody else represents the witness. This mental operation has to be gone through with each time there is a change of speaker. An added difficulty is that the examiners sometimes get mixed up, Mr. Green takes an exception that Mr. Smith should take, or Mr. Smith reads a remark that Mr. Jones should read, so that the attempt to imitate a court proceeding becomes ridiculous. Such a mixing up, I am informed, actually happened at one of the examinations.

The range of candidates' knowledge of technical terms I claim can best be determined by writing in longhand from dictation a list of words carefully and intelligently dictated, whose pronunciation has been carefully looked up in a standard dictionary.

The competitive speed of candidates, I claim can best be determined by the accurate dictation of one man so placed as to favor no candidate, using a stenographic transcript of the simplest court proceeding, after first spelling out every proper name that occurs in the selection, the reader being careful not to cover his mouth with the paper he is reading.

Further, I claim that every candidate should be permitted to show his best speed under the most favorable conditions, by an individual test where he is allowed to provide his own reader of matter furnished by the commissioners, which he should afterwards read back slowly so as to give the commissioners a chance to note every error.

The test of 175 words a minute for five minutes, I claim, is inadequate to the demands of court work. While it may be well to limit the competitive test to this speed, I am perfectly confident that if the commissioners or the chief examiner will take the time to give such individual tests as I have referred to, many men will present themselves with their own readers who will equal if not exceed a practically correct average speed of 200 words per minute for five minutes. If this test could be given as a preliminary of entering the competitive test, I believe the commissioners could easily fix a standard of preliminary qualification which would reduce the contestants to a number which could be more satisfactorily handled than has been the case heretofore.

When the civil service commission examines a chemist, a geologist, a cabinet-maker or a tinsmith, I presume they consult experts in those branches and do not call in a clergyman, an editor or a veterinary. Is it asking too much under their rules to ask for the same representation for official stenographers, who receive, I believe, the highest average remuneration of those who come up for competitive examination? Is it not folly to

make allowances for defective dictation, when experienced stenographers can be secured whose daily business it is to dictate correctly?

I offered to submit these criticisms to a representative of the of the civil service commission and to see that he was given the privilege of this floor for an equal time to reply, and the offer has not been accepted. Despairing of being able to influence the chief examiner, I here invoke the power of the press to secure for all competitors equality of distance from the reader as well as sameness of the matter to be written, and to compel the chief examiner to employ experienced stenographers instead of inexperienced lawyers to do the reading and act as examiners.

The PRESIDENT: The subject of civil service reform is a very important one, and one in which we are all very deeply interested. I therefore call upon any member present to discuss the subject, if he so desires, at this time. The consideration of the resolution will be deferred.

Mr. ROSE: Mr. President, shortly after our meeting of last year, and in pursuance of a notice from our president stating that I had been appointed chairman of a committee to confer with the civil service commission in regard to the examination of stenographers, I wrote to that body asking if such a conference would be agreeable to them. By return mail I received a letter from Mr. Fowler, the chief examiner, thanking us for our interest taken in the matter, and saying that he would be glad to meet such committee and go over the matter and to receive any suggestions we might desire to make as to changes in the nature and scope of the examinations. He also sent me copies of the examination papers that had been used by them upon a prior examination. For some reason our committee was not appointed and there the matter dropped.

I have with me those papers, which you may examine if you so desire. There are seven general questions pertaining to the duties of a court stenographer, and the balance of the examination consists of matter read to the contestants, from which their speed in writing was ascertained.

I do not know that I have any criticism to make to anything contained in the examination, excepting the manner in which I am informed it was conducted, and the fact that it was made by persons other than stenographers. Mr. Ormsby has so fully covered the ground in that respect that I do not think that I can add anything to it. There are several things that I would like to suggest that will come more properly before the committee, which I suppose will be appointed at this meeting, whose duty it will be to prepare in detail an entire scheme to be submitted.

Col. WILLIAM HEMSTREET: Mr. President, I think the remarks of Mr. Ormsby upon the case are very sensible. As we have a great deal to do, I move the previous question upon the resolution.

Mr. SIDNEY C. ORMSBY: Before the resolution was taken up, I was going to rise to second the resolution myself, and I have a few words I would like to say, on the result of this last examination, that was held in January—January 13, I think, they examined the members from Brooklyn. There were, as I recollect, ten candidates in the examination. They were not placed so that each one had a fair opportunity to hear—that is, as compared with others. As a matter of fact, to my certain knowledge, the very worst stenographer in the bunch had the very best position, and he failed totally, but that did not help the better men, who were badly placed, and who were unable to hear a good deal that was read, according to the admission of the examiners themselves. Another criticism I have to make on their examination is that a great deal of the matter they read is what stenographers know as “written matter;” that is, written opinions of judges, etc. A written report of the civil service commission, I think, was one of the things that was read from. Instead of those things, they should take spoken language. They should take testimony, they should take a verbal charge of a judge, or anything that comprises such matter as stenographers meet in the ordinary course of our profession. We are not called upon to write written language; we are not called upon to write these written opinions that a judge indites in the study, but to take the verbal opinion that he delivers from the bench.

Mr. WAT L. ORMSBY: Will you excuse me for interrupting for just a moment? I will say this, in justice to the chief examiner: He has promised that at the next examination they will not use written matter, but a judge's charge in place of the written opinion. He has conceded that point, and I think it is only fair.

Mr. S. C. ORMSBY: He also conceded that in the past there had been some cause for complaint because the matter read had not been audible, and he promised to try and rectify it in that examination. Now, what I contend is, that in order to secure better hearing for the candidates he can divide the examination into two batches of stenographers, of ten each, instead of taking twenty or thirty or forty at once; or, that he could just as well, with a little more labor on the part of those engaged in the examination, have divided the candidates into ten batches of two each, and placed the reader right between the two, and given them all a fair show. I see nothing against that

proposition except that it would keep the examiners working a little more. They could take the two candidates and read to them, the others not being present, and start them at writing out, and call in the next two candidates. Instead of having it in a large room, and the reader being placed in a position where he was inaudible at times, as they themselves admitted, they could have had two candidates with the reader between them; they could have read the five minute test to those two candidates and started them at transcribing, and then they could have had the next two come in to take the same matter. In that way it would have taken twenty-five minutes to read the matter, instead of five minutes, and everybody would have been satisfied.

There is another point: Stenographers should be represented on these boards that examine; and I think that is generally coming to be admitted. For, whatever difficulties we encountered at Albany with the various committees that we have struggled with as to the licensing of stenographers, I was very much gratified by a remark from the chairman of the senate committee. When the able gentlemen who represented the state bar association, who are endeavoring to prevent the stenographers being licensed, advanced the argument that it was an outrage to have stenographers examine themselves, he was interrupted by Mr. Brackett, the chairman of the committee, who said, "Well, we don't think there is any need of discussing that. We concede that if stenographers should be licensed, it is perfectly proper to have them examined by stenographers." That disposed of that branch; and I think that the sentiment is generally being pretty well admitted among people who have to do with these examinations, that stenographers should be represented. I think, if we go about it in a proper way, we can get some concession from the civil service commissioners.

I also desire to say that I think they mean to be fair; that anything that they do wrongly, they do through ignorance. I think the main thing is to have the stenographers agree among themselves, in the first place, as to what is fair in examinations—which we do not now do. Each one has his separate theory. We ought, in the first instance, to unite on what we consider is a fair and proper examination, and then, when we have done that let us go to the civil service commission and press it on them, and I believe we could get substantial recognition from them.

Now, as I have said before, some of the matter that was read was inaudible. It was confessedly so, by the admission of the examiners themselves, because when I went in to read my notes of the principal test—that was the test where four people took part: there were the two lawyers, the judge, and the

witness—and I wish to say here that it was not so much a hard test to take because there were four people reading, as that it was inaudible. You could not hear, and there were numbers of places where one would misconstrue the word, and any expert stenographer would know he had not heard the word aright. When I called the attention of the chief examiner to it, he said, "Oh, we consider that a great deal of that was inaudible, and we make allowance for it." Well, now, how is he going to make allowance for the inaudible words, three months afterwards? I do not believe they marked those papers until nearly three months after the examination was held. The result anyway was not announced until nearly three months afterwards. How is any examiner to carry those things in his head, no matter how fair he is?

I also think that in a civil service examination, where the central idea is to judge people on their fitness for a position, when the practice of that profession calls for the greatest experience, that it is, to say the least, rather an outrage to have an experience of fifteen, twenty or thirty years count only two and a half per cent., as against a graduate who has just come out of college, and who has been able to get a high rate of speed, and nothing else. That is all it counts. It seems to me that it ought to count for more than that in an examination of that character.

Another of these questions that Mr. Rose read struck me as very unfair: "How should a stenographer deal with the verbal inaccuracies of counsel?" What, in the law, have they got to back them up in the judgment of a stenographer, when he answers that question? There are fifteen ways of looking at it. One lawyer looks at it that you ought to correct all verbal inaccuracies. Another looks at it that the record should be a report of everything that is said. That every stumble, every trip of the counsel, every mispronunciation of the witness, ought to be taken by the stenographer verbatim and likewise transcribed. Now, a stenographer answers that question by saying that he thinks they ought to be smoothed out by the stenographer. How do we know how they are going to mark us? The examiner's idea may be just the opposite. Or, if they say that you ought to make a verbatim copy of what has happened, the examiner's idea may be that the verbatim copy is not what the stenographer ought to transcribe. I do not think they ought to put a question like that.

Mr. JOHN E. NORCROSS: On this matter of examination by stenographers, I would like to say a word. A good many years ago, in this town, there was a vacancy for the appointment of a stenographer in the surrogate's court; and while the gentleman

who was appointed was satisfactory to the appointing power, yet the judge wanted him to be examined and certified in regard to his competency in that respect; and Mr. Bigelow, my colleague, was one of the examiners. The examination was held by two stenographers. It was a little while before the civil service reform became a fad. The examination was held in the court room, and was had, not from written matter, but from examinations of a witness, taken from the notes of one or the other of us, I forget which. But we held the examination. We consumed about an hour in it, and we satisfied ourselves that the gentleman was qualified for the appointment, which he did afterwards get, and we certified him as such.

Col. HENRY C. DEMMING: Mr. President, this subject is so important and the influence of this association so far-reaching that whatever you do in regard to this subject will be noted with keen interest by stenographers and others in other states. I hope, coming from a sister state, that this subject will be fully digested, so that when we follow in your footsteps we will not have to retrace, but will know exactly what to do, and will do it just right. In Pennsylvania we have not reached the stage that you have in New York. We have commenced; you are midway on the journey. We took our first lesson in the alphabet by having the politics of all the official stenographers of the state not noted in Smull's Handbook, the official publication of the commonwealth of Pennsylvania. We thought we ought to eliminate politics first, and then take the next step, which will be the examination of applicants for the various positions. By the way, we are now having a law drafted, somewhat similar to the law proposed by the stenographers of the state of New York, in regard to the licensing of stenographers, and when we go from here we hope we will be able to take with us that which will be of great benefit to stenographers in other states.

Mr. WAT. L. ORMSBY: I think this a very important subject, and I believe it to be the necessary thing and the next step, in this state, toward having the proper examination. We have got the civil service law. We have got to meet it. The questions propounded are fairly intelligent and practical. Their method of examination, so far as position is concerned, is entirely wrong, and the chief examiner will not listen to discussion from anybody on that point. I think there is not a stenographer here who will not say that the very first requisite of a fair examination is that all men shall have equal opportunity to hear; and they do not give that opportunity. I put that into one resolution, and I think we can all agree on that, and I think the important thing is to pass that resolution here to-day.

Now, there is one other thing: as to expert stenographers being appointed as examiners. They can be appointed as examiners under the law, and under the rules of the civil service commission. They have not been. The law says that the chief examiner may appoint expert stenographers. Therefore, I offer the second resolution, which is that we request the civil service commission to appoint expert stenographers. It seems to me if we take these two steps now we will have something practical. Last year we were to have a committee appointed, which was not appointed; no reflection on the President intended. There was no one in a position to talk authoritatively to the chief examiner. I would like all who are here to vote for these two things. I think that is the practical step to be taken. I think that is more important than any discussion you can have.

Mr. ROSE: You think that your resolution embraces all that would be necessary?

Mr. WAT L. ORMSBY: I think it is two steps in the right direction, and we can take those two steps this time, and next time perhaps we will be able to take two more; but these two I think ought to be taken now.

Mr. ROSE seconded the resolution, and it was unanimously adopted.

Mr. S. C. ORMSBY: Mr. President, I also move, under that head, that a committee be appointed, similar to the committee that was appointed last year, and that that committee be instructed to make effort to ascertain from all the stenographers with whom they come in touch, what they consider to be a fair method of examination, and from the result of such correspondence or conference prepare a scheme of examination and present it to the civil service commissioners, and do what they can to get it through.

Mr. ROSE: There are a great many details, I presume, that the committee could provide for. For instance, if the examination is held in the eighth district, that two stenographers from that district be appointed, or, if the examination is held in the third district, that two stenographers from that district should be appointed. We would hardly expect the stenographers from the eighth district to come down to the third district to attend the examination, or *vice versa*.

Mr. S. C. ORMSBY: I think that we ought to make some effort to agree among ourselves as to what is proper and fair.

The motion was seconded and unanimously carried, and the following committee was appointed: Wat L. Ormsby, Theodore C. Rose, Peter P. McLoughlin, Leopold Woodle and Charles P. Young.

The following were nominated to membership in the association:

(Proposed by Mr. Cherry) John E. Norcross and Edward J. McLoughlin. (Proposed by Mr. Sidney C. Ormsby) Charles F. Johnson.

Letters of application were read from John K. Blackman and L. V. R. Weyant, and the names were referred to the committee on admission of new members.

Col. William Hemstreet was also proposed for membership.

Mr. McLoughlin moved that the usual order be dispensed with in regard to Mr. Norcross and Col. Hemstreet, and that they be forthwith elected unanimously. The motion was unanimously carried.

The PRESIDENT appointed the committee on admission of new members, as follows: Charles H. Requa, George A. Murray and Louis Loewenstein.

The PRESIDENT: It gives me great pleasure to present to you an honorable brother from Massachusetts—one of our most respected honorary members, Mr. Charles Currier Beale, who will read a paper on "Legislation for Stenographers in Federal Courts."

Mr. BEALE:

Mr. President, ladies and gentlemen: My paper is rather lengthy, but I have the permission of Mr. Ormsby to make it so, for what seemed the importance of the subject. To many of you it may not appeal as directly as it does to some outside of your ranks; but the consideration of the question of official reporters in the federal courts must have considerable general importance, since I take it that nearly all of us at times have occasion to do such reporting, and if an official system is legalized or put into operation, it must affect somewhat our present standing, and it must concern us greatly what the conditions of such appointments shall be, and also the nature of the people who are to fill them.

Mr. BEALE read the following paper:

OFFICIAL REPORTING IN THE FEDERAL COURTS.

BY CHARLES CURRIER BEALE, OF BOSTON.

AT the spring meeting of the New England Shorthand Reporters' Association, my part of the program consisted in reading a paper under practically the same title as the above, and I infer that the subject assigned me then must have been one of general interest, from the fact that I have been requested by Mr. McLoughlin in behalf of your committee, to repeat that paper at this convention. I certainly feel a hesitancy in coming

before so accomplished and critical an audience with a contribution not specially prepared for the proceedings. Nothing but my certainty of the importance of the subject could authorize me in doing so; and if there are those in this audience who were present at our meeting and heard the paper then, I must ask their indulgence on the plea of the interest which our profession must take in this proposed legislation.

Most of you are probably aware that during the past session of congress there was a bill introduced in the senate, and passed by that body, which, if it becomes a law, must be of vital interest to the stenographers of this country. That bill, entitled Senate bill 2352, is now before the committee on the judiciary of the house of representatives of the fifty-second congress, now in recess. The act reads as follows:

" AN ACT

"To authorize the judges of the district courts of the United States to appoint stenographic reporters, fix the duties and compensation thereof, and for other purposes.

"Section 1. Be it enacted by the Senate and House of Representatives of the United States, in Congress assembled, That every judge of the United States district court, may, for the purpose of perpetuating the testimony and proceedings therein, appoint a competent stenographic reporter, who shall be known as the reporter of the United States courts, and who shall hold office during the pleasure of the judge appointing him, or of the successor of said judge. Such reporter shall attend all sessions of the district and circuit courts within the district of the judge making the appointment, and shall, upon the direction of the court, in any civil or criminal action, suit in equity, or other proceeding, take in shorthand the testimony and all proceedings had upon the trial or hearing; and shall, when directed by the court, transcribe the same within such time as the court may designate, and file the same with the clerk of the court.

§ 2. That the reporter, before entering upon the duties of his office, shall be sworn to the faithful performance thereof.

§ 3. That the transcript of the reporter of the testimony and proceedings in any case shall be deemed, prima facie, a correct statement of such testimony and proceedings.

§ 4. That each reporter appointed as above provided shall receive for his services an annual salary of two thousand dollars. In addition thereto the reporter shall be entitled to receive from any party desiring a transcript from his notes the sum of ten cents per folio of one hundred words, and for each carbon copy the sum of five cents per folio. But in criminal cases, and actions and suits in which the United States is a party, the reporter shall furnish such transcripts as the district attorney may require without charge.

§ 5. That it shall be the duty of the reporter to attend the judge whenever requested, and to take down in shorthand and transcribe the same for the use of the judge, all decisions, opinions, and all business relative to the business of said courts.

Passed the senate, March 21, 1900.

Attest:

CHARLES G. BENNETT,

Secretary.

Great interest has been aroused among the members of the shorthand profession by this action on the part of congress. It cannot be questioned that the establishment of a system of official reporting in the federal courts is much needed, and will be, if properly carried out, of great benefit to shorthand writers in general. The mere fact that it will provide high-grade positions for a large number of skilful reporters, sixty-five in all, I think, while it is of importance, is not probably so great a benefit to shorthand writers in general as is the fact that it will furnish a good example and provide a basis for powerful argument for further extension of legally constituted stenographic reporting. The time must come when all the courts, except possibly those of most limited jurisdiction, will be provided with an official stenographer; and such a condition of affairs can best be hastened by a wider dissemination of the advantages of official shorthand reporting.

This is by no means the first attempt to obtain legislation establishing official United States court reporters. As early as the session of the winter of 1881-2 there was some agitation in favor of such action. Letters were published in the "Shorthand News," published in Chicago by Brown & Holland, written by prominent stenographers, and urging concerted action on the part of reporters to bring about this result by exerting as far as possible their influence upon members of congress and by bringing to bear all reasonable argument and pressure in favor of such legislation. This is practically the language of some of those letters. In the report of the International Congress of Shorthand Writers, in 1882, considerable space is devoted to this subject, and I give it as my authority for stating that in December, 1881, two bills were introduced in congress for the employment of stenographers in the United States courts. One, introduced by senator Van Wyck, of Nebraska, provided for a salary of two thousand dollars, and ten cents per folio for transcripts, to be paid by government and parties alike. The other was introduced by congressman Valentine of the same state, providing for a per diem of ten dollars, and fifteen cents per folio, transcript fees. Both were referred to the committee on the judiciary, and there peacefully died, owing, it is said, to the opposi-

tion of senator Edmunds, of Vermont, who thought it would not be economical. This is not the first time in the history of our profession that eminent lawyers have failed to comprehend the real economy of having an official court reporter to preserve and expedite the proceedings. In 1882, January 16, a bill was introduced in the senate authorizing each justice of the United States supreme court and each United States circuit judge and several of the district judges, to appoint stenographers for their respective jurisdictions, the salary being set at \$2,500, with a transcript fee of ten cents per folio. The judiciary committee reported adversely on this bill. At the same session another bill was introduced, through the efforts of E. D. York, of Pennsylvania, by senator Mitchell of that state. It was identical with the bill presented in the house of representatives by representative Valentine, as before referred to. Since that time I am informed that many attempts have been made to bring about legislation of this kind, but I will not encroach upon your time by calling attention to the individual cases, merely stating that all were ultimate failures, and that, so far as I know, the present bill, the most defective and oppressive of all, is the only one which has ever passed either house of congress.

There are some of our worthy brethren who believe that a system of official reporting involving the appointment of permanent stenographers in each court is not desirable from the stenographer's standpoint. I believe, however, although it might possibly affect the income of a few stenographers in some of the larger cities, who now enjoy a very extended patronage, this would be more than offset by the benefits which would be derived by hundreds or thousands of stenographers who can now hope for little or nothing in the way of advancement. Some of our brightest and best shorthand writers deny that shorthand writing is a profession. Years ago I heard at a meeting of your association, a very scholarly argument on this subject, by colonel Dickinson, then your president. The subject of his address was, if I remember right, "Is Shorthand a Profession," and he contended that it is not, and fortified his position in well-chosen comparisons of the fruits of long and faithful labor in shorthand and other callings which are usually termed professions. I was greatly impressed by his statements, but unshaken in my belief that, regardless of public opinion or private emolument, shorthand is a profession in the truest sense of the word; since it typifies as fully as any calling can, the definition in my dictionary, "An occupation that properly involves a liberal education or its equivalent; hence, any calling or occupation involving special mental and other attainments, or special discipline, as editing, acting, authorship, etc.; also the collective body of those following such vocation."

Who can gainsay the self-evident fact that colonel Dickinson himself has typified in his long and brilliant stenographic career, the true professor of the art of shorthand? If his example could be placed before all the beginners in professional reporting, and they could be induced to follow as closely as possible in his footsteps and those of our eminent practitioners whose names are known to you all, men like Rose, Bishop, McLoughlin, Rodgers, Little, and many others in your own ranks and throughout the country—could we doubt that the public would soon be convinced that our calling is on a par with any of the other professions, requiring, as it does, not only mental ability equal to any, but manual skill equaled by none? But, although I cannot fully agree with such of brother Dickinson's remarks as tend to minimize our importance as a profession, I do concur most heartily with many of his conclusions as laid down in that paper, and I believe that they are amply borne out by facts; and one of the most important facts which has led to this state of affairs is that, unlike all other professions, there is very little room at the top. The lofty eminence which has been occupied by men like Murphy, McElhone, Yerrinton, of whom New England stenographers were so proud, and I think I might mention also some of your own members past and present—is of so circumscribed dimensions, that if one occupies it he must do so in preference to hundreds or thousands of others who are striving with perhaps equal efforts and equal ability. "Many are called, but few are chosen."

Now, if this bill is passed, it will open up a new field for ambitious stenographers. To be sure, even then, there will be many applicants for each position; but it will be, I firmly believe, an initial step toward a much more universal and widespread official use of verbatim reporting.

Let us assume then, if my premises are correct, that such an act, if passed, will benefit the great body stenographic. Now let us consider the act itself.

Even a casual reading will convince any practical reporter that the proposed bill as passed by the senate, contains about as many defects from the standpoint of the reporter, as it is possible to crowd into one short act. They might have provided that the stenographer should furnish transcripts free to any party, on request, and that he should serve without salary; but, barring these two conditions, I cannot imagine how the bill could have been made more unsatisfactory to the firstclass reporters who are, doubtless, expected to accept gratefully these desirable (?) positions.

Fortunately, the reporters of the country, very many of them, are wide awake on this subject, and strong opposition has already developed, which bids fair to correct the abuses of the

bill. Most of you have doubtless read the recently-published memorial of the committee on legislation of the National Shorthand Reporters' Association, that latest and greatest among shorthand organizations, to which many of you already belong, and which I trust may in the near future, not absorb but affiliate with your own association. Your honored ex-president, Mr. McLoughlin, is, as you know, one of that important committee. In order to make this paper approximate completeness, I will append this memorial:

MEMORIAL.

To the Honorable Committee on the Judiciary of the House of Representatives:

The executive council, together with the committee on legislation of the National Shorthand Reporters' Association, respectfully represents unto your committee and the house of representatives, that

Whereas, Senate bill 2352 is now pending before the honorable committee on the judiciary, providing for the appointment of stenographic reporters in the United States district courts, whereby the transcript of such reporter is made *prima facie* a correct statement of the testimony and proceedings upon the trial or hearing of causes in said courts, and

Whereas, experience has demonstrated that it is wise and expedient to provide a means of informing the appointing power of the capacity of the shorthand reporter to perform the duties necessarily devolving upon him, and this is best secured by a speed test, of sufficient duration and rate as to demonstrate the ability of the stenographer to follow swift witnesses and secure an accurate record of their testimony,

Now, therefore, the National Shorthand Reporters' Association most respectfully petition your committee and the house of representatives to amend said senate bill 2352, by adding after the words "competent stenographic reporter, who shall" in the fifth line upon page one of said bill, the following, "before appointment, upon an examination before said judge, be required to write new matter from dictation, at a rate of not less than one hundred and fifty words per minute for a period of five consecutive minutes and afterwards correctly transcribe the same;"

And by adding at the beginning of the sixth line on page one, before the words "be known" the following, "such reporter shall."

KENDRICK C. HILL, President, Trenton, New Jersey.
J. D. CAMPBELL, Secretary, Official Court Reporter,
Spartanburg, S. C.
O. C. GASTON, Vice President, Official Reporter,
Tabor, Iowa.
L. E. BONTZ, Vice President, Official Court Reporter,
San Jose, California.

And the following committee on legislation:

F. O. Hoffman, Official Court Reporter, Mobile, Alabama, Chairman; Joseph H. Young, Official Stenographer, Oberlin, Kansas; Peter P. McLoughlin, Court of General Sessions, New York city; Richard A. Mabey, Stenographer, U. S. Courts, Minneapolis, Minnesota; Frank H. Burt, Official Reporter, Boston, Mass.

I have received from eminent stenographers throughout the country, a number of communications in regard to this bill, and I shall quote somewhat from them; but I first wish to say, and in doing so I wish all to understand that I am giving this as my own personal opinion, so that you may not hold any of my correspondents responsible for any criticisms on the bill which I shall make, that I think it would be difficult indeed to devise a bill which upon careful consideration would be more obnoxious to those who must serve under its provisions. I shall proceed to give you my reasons for this strong assertion before quoting my correspondents' opinions.

The memorial which I have just read is excellent so far as it goes, interpolating, as it does, a wise precaution against the appointment of incompetent persons; but the bill itself, by its very nature, practically prohibits the appointment of competent persons; since the drawbacks are so greatly in excess of the advantages or emoluments. I agree heartily with the memorial, so far as it goes; and I will proceed with what I consider some other defects in the bill.

First. There is no provision for traveling expenses, which in some districts might be quite excessive and a very important consideration. This, I believe, needs no argument.

Second. The provision for furnishing transcripts without compensation, at the direction of the court, to be filed with the clerk of the court, is a manifest imposition; and with this I may class the third objection, which is the furnishing of transcripts to the district attorney, in criminal cases and actions and suits in which the United States is a party, which the act provides shall be done without charge. It is probable that those who drew the bill did not fully consider the immense amount of uncompensated work which these provisions might entail. When we reflect on the fact that it takes about three times as long to write out a transcript, under ordinary conditions, as it does to take it down in shorthand, we can easily compute the immense amount of labor which could be imposed upon the official stenographer, in spite of any protestations or remonstrances. If the district attorney or the judge should be inclined to take even a reasonable advantage of these portions of the act, no human being could stand the strain which would ensue. These provisions should be stricken out of the bill entirely.

Section 5 provides another very objectionable condition, which is that the reporter is made practically a private secretary or amanuensis of the judge. This also, which in the case of a reasonably disposed judge might not be onerous, might on the other hand, even with the best-intentioned judge, be taken advantage of to the great disadvantage of the reporter. I might also cite as objectionable the comparatively small salary and the cutting in two of the price for carbon copies. These, however, would not be so serious objections; and it is improbable that the bill could be carried through successfully if a higher salary were named.

There are other technical objections to the wording of the bill, but I must not take much time with my own personal feelings in the matter; and I will quote you from a letter received from Francis O. Hoffman, official court reporter, Mobile, Alabama, the chairman of the committee on legislation, which prepared the memorial I have read you. After stating the desirability of securing concerted action upon the part of the reporters of the country, he says:

"A hasty consideration of senate bill 2352 as framed convinces me that it is fatally defective in at least three respects: (1) No provision is made to test the competency of candidates, to inform the appointing power of the qualifications of applicants to perform the duties of the position; (2) free transcripts should be eliminated, though safeguards may be thrown around ordering of transcripts for the government, and (3) the reporter should not be required to serve as private secretary or clerk to the judge of the court.

"I take it no reporter will fail to agree with me in the first proposition. Senate bill 2352 does say that the court shall appoint a 'competent stenographic reporter,' yet from lack of experience with reporters, many (if not most) of the courts will consider that term synonymous with 'stenographer,' who in the main is considered a person who can write shorthand characters. This is not overdrawn in some cases, because I have seen it demonstrated that under a similar provision in the statute of a neighboring State, an utterly incompetent stenographer was appointed, through personal influence, and with entire disregard to the interests of the public service. When such a condition exists, the very purpose of appointing a reporter is lost, as, unless his notes are accurate and complete, they actually ferment disputes which render it impossible to try causes in appellate courts upon the same questions passed upon in the trial court during the progress of the trial. As to the second proposition, it may be urged that the Government pays the salary of two thousand dollars, and should not be called upon to compensate the reporter for transcripts. In order to ad-

minister the laws, and do justice between its citizens, the Government has established courts, with the necessary officers to carry on the public business. The services of the official reporter are necessary in the conduct of the business of the courts to protect the life, liberty or property of litigants, by preserving an accurate record of the oral proceedings. In order to meet this necessity, the Government employs the reporter to attend court and take down the oral proceedings in shorthand, and when this is done a completed service has been performed. The record, in stenographic characters, can be readily referred to with convenience, and constitutes the record in the case. In some cases, for the use of counsel in preparing appeals, or upon new trials, it is desired to have a printed copy of the stenographic record for ready reference, and in these states it is necessary for the reporter to perform the service of writing out the particular notes. For this service, which is entirely apart from making the record, the Government should pay the transcript fee, just as other litigants.

"As to the third proposition, there can be no question but that it supplies the means of placing the reporter absolutely under the domination of the court, and the difficult position of the reporter, when at times he is compelled to occupy an antagonistic position to the court in that his notes do not agree with the judge's recollection, would be rendered disagreeable, if the reporter occupied the dual position of clerk to the judge. The reporter would lose the independence which is necessary to the position, and unless he is a man of experience, with confidence in his work, we all know that the possibility lies there for the attempt to satisfy the court by a 'correction' of the record. This would be a standing menace to the public interests and should be avoided."

As will be seen by the foregoing, Mr. Hoffman takes practically the same view and the same position that I do in this matter. While quoting from this letter, I cannot forbear giving a still further extract upon a subject not exactly included in my topic, but one particularly appropriate to read before your association, which has so often considered the question of licensing law reporters. I quote as follows: "As great a work for our associations, in my judgment, as that discussed above, is an organized effort to secure by statute recognition in the courts of only licensed reporters, prohibiting the practice of shorthand by other than licensed reporters under similar penalties as are in force with regard to the practice of law. It is possible, by much labor, to secure the enactment of such a statute in all of the states, though it may take time and patience to accomplish it, but this would do more to create a demand such as you refer to in the Phonographic World than any other

one thing that could be done. At the same time it would separate the shorthand reporter into a class to which he justly belongs, by reason of his attainments and position. This may be a long look ahead, but in my judgment reasonably within the reach of association work, if properly handled."

To illustrate how little the average legislator comprehends the nature and value of the reporter's services, I quote the following from a letter written by Willis N. Tiffany, of Phoenix, Arizona, one of the brightest and most progressive stenographers in the west. "David Wolfe Brown (of the official reporting staff of the House) wrote me some time ago regarding the status of senate bill 2352, stating at that time that he did not believe it could be passed at this session. I hope a just and satisfactory bill can be prepared by the association this summer, and that we can aid in its passage through Congress at the next session. It would help boom the association in great shape. At any rate, if such a bill should be drawn and presented, it would give us an opportunity to start on 'a campaign of education' in a good place—the National Congress; and, judging from the remarks of some of the members of congress, it would seem that such education is needed there very sadly. I notice that senator Teller, in favoring the passage of the present bill through the senate, remarked on the floor of the senate, that under the existing arrangements stenographers were often allowed exorbitant rates of compensation, in some instances even as much as ten dollars per day for *merely* taking notes. I wonder what the reporter on duty at that time thought of that statement. Plenty of room for education there, surely, as to what *merely taking the notes* implies. And he, I understand, a former judge! What can we expect from legislators whose business does not bring them into close touch with the shorthand profession when such views are held by ex-judges, whose courtroom experience should teach them the value of competent verbatim reporters?"

I have received from a very intelligent and progressive western stenographer a series of letters in this connection which bear so fully upon some points connected with the proposed legislation that I think quotations from them will be interesting. I am not at liberty to use his name, as he is the private secretary to one of the United States district judges in a western state, and for evident and sufficient reasons does not care to appear in the role of pushing the matter. I quote as follows from a letter of May 4 of this year:

"Dear sir.—I received the May number of the Phonographic World last night, and upon noticing your suggestion as to official reporters in the United States courts, decided to write you at once as to the situation, so that you may act at once

in any way you can think of in aid of this desirable object. On March 21 an act to authorize official reporters in United States courts passed the senate, and on March 22 it was referred to the House committee on the judiciary. So far as I am able to learn the act is still before the House committee. The act is not as liberal as it should be in several particulars, but it would be an opening wedge, and if official reporters were once authorized for United States courts, there would never be a step backward, and there would be a good possibility of securing more liberal provisions from future Congresses. There have been spasmodic efforts during almost every session of congress for a number of years to secure the passage of a bill of this kind, but without success. It was impossible to get congress interested in the matter. Now that a bill has actually passed the senate, there is an opportunity that should not be neglected to secure reporters for Federal courts. Any attempt to alter the bill now would probably result in the defeat of all legislation on the subject, and it might be years before such an opportunity could be secured again. But if the bill passes, the securing of needed changes at later sessions will be easy compared to the task of getting favorable action for the authorizing of appointments of reporters. There are sixty-five judicial districts in the United States and this bill would authorize the appointment of that number of reporters. If this bill is not too faulty in the opinion of the professional reporters, it seems that it would be wise to use every legitimate means to secure favorable action by the House of Representatives. The reluctance of congress in years past to pass any measure of the kind makes it advisable to secure the passage of the most liberal act that they are likely to favor, provided it is not so bad a bill as to be intolerable."

It will be seen by this quotation that this reporter is of the opinion that half a loaf is better than no bread. I do not quote this because I concur with my correspondent, but because I wish to present both sides for your consideration.

I continue to quote from the letter of May 4, or rather, another letter of same date:

"Dear sir.—Since my letter of this morning I have heard from a gentleman in Washington, to whom I wrote for information, that the bill is still before the House judiciary committee. If the bill is not reported to the House this session, it is unlikely to pass at all, as the chances would be very much against it next session. An organized and well-directed effort is needed to secure the passage of this bill (with amendments, if that is found safe), and it seems reasonable to believe that all that is necessary to induce the House to act favorably in the matter is to convince them that it is important and needed. I do

not believe there would be opposition to its passage, but feel sure that what it has to contend with principally is apathy and indifference. That has heretofore been the chief hindrance to legislation in this direction. I believe that you could organize a movement among prominent eastern reporters, which, prudently conducted, and proceeding with despatch and energy, would result in the authorization of official reporters in the United States courts on a basis that is satisfactory to the profession and to all concerned. There is great advantage in moving now, when there is a bill pending which has already passed the Senate. If it is allowed to drop now, without action, it may be years before the ground thus lost can be regained. Senator Hoar is a friend of this bill and helped get it through the Senate."

In a letter of May 7 he encloses a list of the judiciary committee of the House of Representatives, as follows: George W. Ray, of New York; John J. Jenkins, of Wisconsin; Richard Wayne Parker, of New Jersey; Jesse Overstreet, of Indiana; De Alva S. Alexander, of New York; Vespasian Warner, of Illinois; Winfield S. Kerr, of Ohio; Charles T. Littlefield, of Maine; R. H. Freer, of West Virginia; Julius Kahn, of California; William L. Terry, of Arkansas; David A. De Armond, of Missouri; Samuel W. T. Lanham, of Texas; William Elliott, of South Carolina; David H. Smith, of Kentucky; William H. Fleming, of Georgia; Henry D. Clayton, of Alabama.

He goes on to give some very timely suggestions, which I should like to include in this paper, but I have already nearly reached my limit of space. I wish, however, to make one further quotation from the letters of this correspondent.

On May 18 he writes as follows:

"You have noted the dangerous provisions of the bill, as I was sure you would. In districts where there is a great deal of litigation, criminal and civil, to which the Government is a party, many big transcripts would probably be required, and the cost of assistance in preparing them would greatly diminish the net proceeds of the position, and might, in some cases, entirely swallow up the earnings of the reporter. In this district the situation is such that I estimate the reporter would probably net more than two thousand dollars a year from the position. In some of the larger districts the incumbent might be compelled to work for nothing some years, as the gross receipts would be consumed in hiring help in Government cases.

"It ought to be possible to secure amendments and the passage of the amended bill. All that would be necessary to that end would be to secure the earnest efforts of a few influential members of each house. A few men in the Senate, and a few

in the House, who would earnestly work for it, could easily secure the enactment of a law that was satisfactory, either at the present or the next session of this congress, as the worst enemy of the bill is 'General Apathy.' If the bill does not become a law (in some form, either as it is, or amended) during the life of the present congress, the task of securing such a law at the hands of the next congress will be much harder, as now the friends of the reporters have a great advantage in the fact that a bill of some sort has actually passed the senate."

At the second annual convention of the National Shorthand Reporters' Association, at Put-in-Bay, Ohio, last week, a very full report was made by the committee on legislation, which prepared and issued the memorial before referred to. From their report I quote the following:

"The appointment of this committee was the outgrowth of a suggestion that something of preliminary work might be done during the year towards securing legislation providing for official reporters in the Federal courts, apprehending that such a result could only be accomplished by long, persistent, and energetic effort.

After their appointment the members of this committee were found to be unanimously in favor of a proper measure which would secure the result outlined above. Shortly after the sense of the committee was obtained upon this question vice-president Gaston advised the chairman of this committee that a bill would be introduced in the National Congress by a member from Iowa providing for the appointment of reporters in the United States courts. Closely following the receipt of this information your committee was advised of the passage of senate bill No. 2352. Upon receipt of the bill your committee felt it their duty to use their influence to secure the incorporation of a qualification clause in the bill while it was pending in the House, and with that end in view addressed a memorial to congress, a copy of which is herewith submitted. This was forwarded to a number of influential congressmen, and would undoubtedly have been incorporated into the bill had it come up for consideration, but after the memorial was forwarded, it was ascertained that nothing would be done with the bill before adjournment, and there the matter now rests.

We submit that a careful reading of senate bill No. 2352, now pending before the committee on the judiciary in the House, sustains the conviction that it is a defective measure in at least three particulars: (1) There are no qualifications stipulated, in order to inform the appointing power of the competency of applicants; (2) free transcripts should not be furnished, though safeguards may be thrown around the ordering of transcripts for the Government, and (3) the reporter should not be re-

quired to serve as the private secretary or clerk of the judge of the court.

We take it all reporters will agree on the first proposition. senate bill 2352 says that the court shall appoint a *competent stenographic reporter*. From lack of experience with reporters many of the courts will consider that term synonymous with stenographer or a person who can write shorthand characters. This is not overdrawn, because in some cases it has been demonstrated that under similar provision in state statutes incompetent stenographers have been appointed, through personal influence, to the detriment of the public service. When such a condition arises the very purpose of appointing a reporter is defeated, as unless his notes are accurate and complete they actually ferment disputes, instead of settling them, when it comes to making up the bill of exceptions in the cause.

As to the second proposition, it may be urged that the Government pays an annual salary of \$2,000 to the reporter, and should not be called upon to compensate him for transcripts. In answer to this we say it is in order to administer the laws, and to do justice between its citizens, that the Government has established courts. In order to accomplish the purpose for which they were established, courts must have the necessary officers to carry on the public business. The services of an official reporter have become absolutely necessary to the proper conduct of the business in the courts, and serve to protect the life, liberties, and property rights of the people by preserving an accurate record of the oral testimony and proceedings. His services are necessary, and in order to meet that necessity it is the duty of the Government, State and National, to employ a reporter to attend the sessions of the courts and take down the oral testimony and proceedings in shorthand. When this is done a completed service has been performed. The record, in stenographic characters, can be readily referred to with convenience, and constitutes the record in the case. It is not in all cases that a transcript is desired, but sometimes in the preparation of appeals, and upon new trials, a printed copy of the stenographic record is a decided advantage, and in such cases it is necessary for the reporter to perform the additional service of writing out his notes. This service is entirely apart from making the record, and the Government should pay the transcript fees just as other litigants. The Government should not have the advantage of a free record, but if any one is to be thus favored it should be the poor unfortunate in the clutches of the law who is too poor to pay for the record in his case.

As to the third proposition, there can be no question that it supplies the means of placing the reporter absolutely under the domination of the court. The difficult position of the re-

porter, when at times he is necessarily compelled to occupy an antagonistic position to the court, because his notes do not agree with the judge's recollection, would be rendered unbearable if the reporter occupies the dual position of clerk to the judge. By such a provision the reporter loses the independence necessary to his position, and unless he is a man of experience, with confidence in his ability, we all know that an effort to satisfy the court by a change in the record would constitute a standing menace to the public interests. Further, such a provision makes the reporter the mere clerk of the judge, a position which few expert reporters would care to occupy.

To meet these objections we have drafted a bill, a copy of which is herewith presented, covering the points indicated and meeting the criticisms which have been offered. We ask your careful consideration of the proposed measure, and if it meets your approval we hope that you will do all that you can to secure its passage in place of the defective bill which is before congress."

The preceding quotation covers very fully that portion of their report which refers to the proposed system of reporting in the Federal courts, and I am quoting it without comment. I do not wish to be understood as endorsing unqualifiedly every thing quoted, but in the main it is logical and forceful. I have read to you the act as now before congress, and I now quote the draft of the proposed act as prepared by the legislative committee of the National Association.

"AN ACT

"To authorize the judges of the district courts of the United States to appoint stenographic reporters and to fix the duties and compensation thereof.

"*Section 1. Be it enacted by the Senate and House of Representatives of the United States, in Congress assembled,* That every judge of the United States district court shall, for the purpose of perpetuating the oral testimony and proceedings therein, appoint a stenographic reporter, who shall, before appointment, upon an examination before said judge, be required to write new matter from dictation at a rate of not less than one hundred and fifty words per minute for a period of five consecutive minutes, and afterwards correctly transcribe the same. He shall be known as the official reporter of the United States courts, and shall hold office during good behavior. Before entering upon the duties of his office he shall be sworn to a faithful performance thereof.

"*Sec. 2.* The official reporter of the United States circuit courts shall attend all sessions of the district court and circuit courts within the district of the judge appointing him, and upon the direction of the court, in any civil or criminal action, suit in equity, admiralty or other proceeding, he shall take in shorthand the entire oral testimony and proceedings had upon the trial or hearing, except the arguments of counsel, and the shorthand notes in each case shall be filed with the clerk of the court

in which the case was tried as a part of the record in the cause.

"Sec. 3. For his attendance upon said courts and performing the duties set out in section two of this act, each official reporter shall receive an annual salary of twenty-one hundred dollars per annum, payable in the same manner as the salaries of the judges of the United States district courts.

"Sec. 4. Upon the written demand of any party to a cause, the official reporter shall transcribe the stenographic notes taken by him upon the trial or hearing thereof, within such time as the court may designate, and furnish such transcript to the party ordering it, after having first certified that such transcript is a true and correct rendition of the shorthand notes taken upon the trial, and said transcript, when so certified, shall constitute a *prima facie* correct statement of the oral testimony and proceedings in the cause. For furnishing such transcript the official reporter shall be entitled to demand and receive therefor from the party ordering the same, ten cents per folio of one hundred words for the original copy thereof and five cents per folio for each carbon copy thereof.

"*Provided*, however, that in criminal cases and in actions and suits wherein the United States is a party no transcript shall be furnished by the official reporter for the government until an order has been entered upon the minutes of the court requiring such transcript to be so furnished, and then the expense thereof shall be paid upon the certificate of the presiding judge in the same manner as the accounts of other court officers are paid in criminal cases."

It will be seen that this proposed act is far more favorable to the reporter than the one before congress, but even it has its drawbacks, in my estimation, and considerable criticism of the minor details of the bill was made at the convention. Most of this criticism was directed to the letter of the bill rather than the spirit of it. It seemed to be the opinion of some who have given the matter a great deal of thought that the word "proceedings," as used in the proposed act, is not sufficiently clear; also that the provision in regard to the reporter working in both district and circuit courts "within the district of the judge appointing him" might be the cause of difficulty where, under some conditions, two or more courts are in session at the same time. The clause which provides that the notes shall be transcribed within such time as the court may designate seems an unnecessary restriction, especially since it was not included in the original bill. The words "within a reasonable time," which are used in the Massachusetts statute, would seem to be much preferable. There also seems to be no need of distinguishing between the original and carbon copies in the matter of price. In many states the reporter receives the same fee for all copies, and if section 4 closed with the words "ten cents per folio of one hundred words," it would leave the reporter in much better position and would seem to be so slight a change in the eyes of the average legislator that it could probably be passed just as well as if it were worded as at present.

I believe the increasing of the salary to twenty-one hundred dollars per annum, thus making the monthly salary an even one hundred and seventy-five dollars, is a good change.

A very interesting letter from Mr. Frank H. Burt, of Boston, who was one of the members of the legislative committee, touching upon some parts of the bill, was read and received much attention. I am not able to quote it, but the general points to which he called attention were the desirability of providing for substitutes and assistants, the need of providing that the reporter need not appear in court to testify to the correctness of his notes if they are certified to, and other minor points.

Mr. Joseph H. Young, of Oberlin, Kansas, another member of the executive committee, proposed the provision that the reporter should be entitled to demand and receive full payment for transcript before starting upon the work. This received the approval of the convention.

It will be, of course, acknowledged that "half a loaf is better than no bread," but it does seem to me that if an association like the National Shorthand Reporters' Association is to stand sponsor for an act of this nature, it should be very carefully drawn, and no possible loophole for differing constructions allowed. It is practically as easy to get a properly worded bill passed as a poorly worded one; and it is much harder to get a bill amended satisfactorily after it has once gone into operation. The convention seemed fully to realize this, and the draft of the proposed bill, together with all discussion and letters concerning the same, and the various suggestions made were referred to the committee on legislation for the coming year.

Your association has so often in the past had occasion to go before the New York State Assembly with various amendments for favorable legislation that you may be interested in hearing the amendment to the constitution which was passed at the recent convention at Put-in-Bay. The committee on legislation offered the following amendment for consideration:

"AMENDMENT TO CONSTITUTION.

*"Article IV.—Section 8. Committee on legislation.—*A committee on legislation shall be selected by this association at each annual convention in the following manner: The executive committee, at its meeting upon the first day, shall nominate three of its members to select and recommend five members of the association to serve as the committee on legislation for the ensuing year; the names so selected shall be reported to the association by the executive committee, when the same may be

confirmed or rejected by a majority vote of those present, and if rejected the association shall thereupon proceed to the nomination and election of the committee on legislation for the ensuing year.

"*Sec. 9.* The duties of the committee on legislation shall be actively to promote the adoption, amendment and maintenance of proper laws, securing recognition of, and proper compensation for, court reporters and the like; and to this end they are empowered to use the name of the association in presenting their views to committees, legislative bodies or others, and, if deemed expedient by said committee, they are hereby authorized to attend the sessions of any committee or body having under consideration measures of interest to shorthand reporters.

"And in order to enable said committee to effectively prosecute its work and to defray its expenses, a sum of three hundred dollars per annum, or so much thereof as may be necessary, is hereby appropriated, to be paid by the secretary-treasurer, upon an order countersigned by the executive council of the association, which must be presented to the association at the next annual convention."

This amendment was passed after a few minor details had been arranged to suit the convention. I have not a copy of the amendment as finally passed, but it was substantially as I have read it, except that in section 9 the phrase "court reporters and the like," which seemed vague, was cut down to simply "court reporters," and the provision providing for an annual appropriation of three hundred dollars was changed so that while appropriating a yearly sum to defray the expense of the committee, it was left for each convention to set their amount, following upon the suggestions of the committee, and no limit was set.

The convention elected as members of the committee on legislation for the following year Col. H. C. Demming, of Harrisburg, Pa., chairman; Joseph H. Young, of Kansas; C. L. Morrison, of Tennessee; R. A. Mabey, of Minnesota, and Charles F. Roberts, of Connecticut. I believe the foregoing constitutes a practically complete report of what was done in last week's convention in regard to legislation of this nature.

I wish to add simply, in regard to the present bill, that I believe the court duties of an official stenographer are all that should be required of him in return for his salary, and I can see how, as my western correspondent has suggested, under double pressure from both the court and the district attorney, a position such as this bill establishes might become an unbearable burden. This certainly would be a deplorable condition of affairs. The official court reporter ought not to be hampered, restricted or overburdened by extraneous duties or

by the imposition of unremunerated tasks. His time is, at best, all too well occupied, and his compensation none too large. There is no other position, with the exception of that of the judge himself, which requires so constant attention and so ceaseless application. At the risk of being prolix and of being accused of "carrying coals to Newcastle," I wish to recall to your minds something which is not new or novel to you in the least, since it is, I believe, a faithful description of what many of us are doing day by day, week by week and year by year. Much of it will be but a repetition of what has been so often told you by your own eminent members, and I must particularly acknowledge my indebtedness to, and inspiration from, the scholarly essays of your brilliant ex-president, Col. Edward B. Dickinson. After you have considered this rehearsal of the daily duties of an ordinary court stenographer, I believe you will agree with me that a bill which, in addition to calling for the exercise of the ability and talent which such a position requires, prescribes further an unknown and unlimited quantity of unrecompensed labor, is defective, and should be remedied.

If one has occasion to step into any courtroom where a session of the Massachusetts Superior Court is being held, he will see in full working order what is perhaps in many respects the most important portion of the judicial system of our commonwealth. Here we may see the machinery of the law in active operation. The dignified justice seated on the bench, calmly hearing the testimony and dispassionately weighing it in mind; the clerk, with his documents spread around him; the court officers, ready to preserve the order and decorum appropriate to the halls of justice; the witness on the stand, timid, bold or indifferent, volubly pouring forth his story at the request of his counsel or evasively avoiding a reply to the opposing attorney; the counsel on both sides, alert to take advantage of every opportunity, skilfully leading on their own witnesses or sharply cross-examining those on the other side; the array of lawyers within the bar, watching the proceedings; the crowd of spectators on the back settees, following with interest each detail of the trial—all of these are familiar sights to those who have occasion to visit courtrooms. But there is still another actor in this diversified drama of right and wrong, of law and equity, of claims and counterclaims. A little to one side you will see a silent man sitting at a little table, with pen in hand, who follows each spoken word with swift and noiseless movements, recording impartially the words of wisdom, wit and folly which follow each other in rapid succession. Witnesses come and go, lawyers question and cross-question, object and argue; the court quietly announces his rulings; one case is ended and another begins; and through it all the silent man

writes, writes, writes, unceasingly and with unslackened speed. Few of those who look upon him realize that they are beholding as near an approach to a miracle as unaided human hands and brains have thus far accomplished. There are many who hold that all who write shorthand are stenographers; who class the sixteen-year-old girl, painfully and slowly putting down in awkward symbols the carefully and deliberately dictated letter of the business man, at a speed little excelling that of a skilful penman, with him who through years of study and unremitting toil has gained the wonderful art of verbatim reporting. As well compare your six-year-old daughter, thumping on her toy piano, with the marvelous masters of music who hold the world entranced with their skill and genius. The ability of the one is as far removed from the ability of the other as the humblest motorman on the Boston elevated is from the president and guiding spirit of that vast corporation.

Let me give you an idea of what is required of a court reporter. The average rate of speaking which he must record word for word in his notebook is one hundred and fifty words per minute. To be sure, this speed is sometimes slackened to a hundred, but often increased to two hundred; and this average speed must be kept up hour after hour, under any and all conditions, with any and all kinds of language. The words of the English language, as used in ordinary speech, will average at least five letters to a word. These five letters in the ordinary longhand will require at least twenty distinct motions of the pen. The useful art of shorthand has condensed this to an average of three movements to a word. In other words, in order to write legible shorthand at the rate of one hundred and fifty words per minute, the writer must skilfully execute certain characters requiring four hundred and fifty distinct movements of the pen to a minute, and must keep up this enormous speed hour after hour, if need be. Often a whole day's work will consist of unbroken testimony. Those unfamiliar with our duties say the pay we receive is exorbitant because we are actually working in court only five and one-half hours. True, but in those five and one-half hours very often there is no rest for the stenographer, and if we take the trouble to perform a simple sum in multiplication we find his flying fingers have recorded in that short day of apparently easy work a total of fifty thousand words, involving one hundred and fifty thousand distinct movements of the pen. The fabled labors of Hercules sink into insignificance as compared with what he has accomplished. Every day he sets down an amount of matter equal to a respectable-sized novel. The pages of the notebooks he fills in a year, if placed continuously, would stretch from the gilded dome to Senator Lodge's home in

Nahant. If the characters were in one continuous line it would reach from the farthest point of Cape Cod to the most distant of the Berkshire Hills, and span the whole of that good old Commonwealth with the mystic symbols of the silent scribe. No one human being could speak the words which he must unceasingly and uncomplainingly write. A palsied tongue and a paralyzed throat would end the speaker's efforts in a few days or weeks; yet the hand of the ready writer toils on, guided by an intelligent brain, and supplemented by an ear that must hear and recognize each and every utterance, whether it be the burr of the Scotchman, the brogue of the Irishman, the lisp of the Welshman, the broad accent of the Englishman, or the nasal drawl of our own New England. The broken speech of the Russian Jew, the liquid patois of the swarthy son of sunny Italy, the guttural growl of the German and the mincing tongue of the Frenchman all mingle in one ever-changing lingual pot-pourri that puzzles alike the judge, the lawyers and the listeners, but which the stenographer must get whether or not. The loquacious native of the Emerald Isle is checked in his torrent of words by the remark from the judge, "The witness talks so fast the Court can not understand him; will the stenographer please read the answer?" or, the sunburned daughter of the Mediterranean, who amply makes up in rapidity of utterance for her imperfect knowledge of our vernacular, fails to make herself understood by counsel, who turn nonchalantly to the silent worker and say, "Mr. Reporter, will you kindly read what the witness said?"

But enough of this side of the picture; there is another view I wish to present to you. Another Herculean labor, skilfully performed and scantily recompensed, which awaits the silent man at the end of his day's work in court—the transcription of his notes. Fortunately not all that goes down in those never-ending notebooks has to be rewritten for the eye of the judge or the lawyers. There is an end to the endurance of even stenographers, and I fear that no human being with human nerves and human need for sleep and rest could cope with that task. But a fairly generous portion has to be transcribed on the writing-machine; and again the tired fingers must fly in swift staccato until the work is accomplished. Some, more fortunate, share their labors with skilled operators on the writing-machine, and then their compensation is likewise shared with their assistants; but, however this end which crowns the work is reached, most of this work must of necessity be done at night, by the flickering flame of the gas jet or the incandescent brilliance of the electric light. Far into the night must the click of the typewriter keys and the drone of the dictator extend. The judge and the lawyers,

the witnesses and the spectators, can go to their homes and enjoy the quiet of their firesides or the recreation of mind which is equally beneficial to the body: but the stenographer must work though nerves throb and pulses flag, though tired eyes will close rebelliously and the faithful hands almost refuse to do the bidding of the exhausted brain. And yet good lawyers have been known to say that our prices are exorbitant. But it is the price of blood! It is the giving of one's vitality, both of mind and body, of a mind and a body trained and educated to a point beyond which danger lies. And what a training and what an education! The whole range of the sciences are comprised in the knowledge that a good court stenographer must acquire. To-day comes the skilled physician, with his expert testimony and his learned disquisitions upon hysteroneurasthenia and cerebro-spinal-meningitis, ransacking the dead past of Rome and Greece for terms to fit modern ailments and fin-de-siècle surgery; to-morrow the electrician, with his talk of mysterious elements and forces, his microfarads and his electrostatics; again the mechanical expert glibly describing the complicated construction and workings of appliances and instruments whose very names are familiar only to the initiated. Add, then, to a knowledge of these various subjects sufficient at least to recognize their nomenclature, a fair knowledge of the classics, a familiarity with the most important modern languages, a fair amount of legal learning, a reading wide enough to recognize a quotation and assign it to its source, whether it be Shakespeare, Browning, the Bible or the Zend-Avesta, a perfect knowledge of geography, a modicum of history, a fluency with figures and an absolute command of the intricacies of English speech—spelling, punctuation and grammar—and you have the foundation of a stenographic career on which ten or twenty years' active practice of your profession will *perhaps* enable you to build the superstructure of success.

The PRESIDENT: Without discussing at this time the able paper of Mr. Beale, the hour of recess having arrived, we will take a recess until two o'clock.

Mr. CHERRY, on behalf of the local committee on entertainment, made the following announcement: The intention is to have the discussion and reading of papers this afternoon continue until four o'clock, when we will proceed to the cars which will be awaiting us to take us to the Brighton Beach hotel.

FIRST DAY, SECOND SESSION.

The PRESIDENT: If there is any discussion on the very interesting and able paper read by Mr. Beale this morning, we will be glad to hear it now.

Col. HEMSTREET: Mr. President, I do not propose to discuss it, but I do think the last part of Mr. Beale's paper, as to the qualifications of a stenographer, and his difficult duties, ought to go before the whole people, and I think the officers of the convention ought to make particular reference to having that part of the paper published in the press.

Mr. TIMOTHY BIGELOW: I do not propose to discuss it, either, but I might offer a suggestion, and that would be that the national association take some steps to interest the federal justices in this matter, secure their good will, and have them memorialize congress; in short, take such steps as judges everywhere have generally taken in regard to the matter. And further, that perhaps it might be well to have some approved mode for certifying the competency of men to be appointed by those judges, if the appointments were finally confided to them, viz.: by an examination and certificate from the U. S. civil service commission, for example.

The following paper, by Mr. Briggs, upon the first subdivision of this topic, was read by Mr. Cherry:

THE DUTIES OF AN OFFICIAL STENOGRAPHER, AS VIEWED BY THE STENOGRAPHER.

BY HERBERT A. BRIGGS, OF BROOKLYN.

TIME was, as we all know, when the labor of recording court proceedings was imposed upon the judge presiding at the court. When short-hand was invented and made practicable, the clerical part of the judge's work was transferred to the stenographer, on the same principle that the detail of certain branches in governmental departments are turned over to bureaus in those departments. A law was enacted prescribing the duties which attached to the new office, and as late as 1892 that law defined such duties in these words:

"Each stenographer specified in this act must, under the direction of the judge presiding at or holding the term or sitting which he attends, take full stenographic notes of the testimony and of all other proceedings in each cause tried or heard thereat, except when the judge dispenses with his services in a particular cause or with respect to a portion of the proceedings therein." (Revised Statutes, 9th edition, § 83.)

The new order of things enabled the court to make and preserve a much fuller record of its proceedings than formerly, because it could be made as rapidly as the words fell from the lips of court, counsel and witness; but it was an amplification of the old method rather than a change in it. The minutes were still the minutes of the court. The stenographer was simply the judge's assistant in a particular branch of his work—the

bearer of the clerical part of his burden. The record was one made by the court, for the benefit of all concerned.

In 1893 the legislature added the following provision to the old section:

"Such stenographer shall fully note each ruling or decision of the presiding judge, and when the trial is by jury each and every remark or comment of such judge during the trial, when requested so to do by either party, together with each and every exception taken to any such ruling, decision, remark or comment by or on behalf of any party to the action. After any such ruling, decision, remark or comment has been made the same shall not be altered or amended by the stenographer without the consent of the party excepting thereto, whether the same is made during the charge of the court to the jury, or at any other time during the trial."

At first reading, the stenographer saw possible embarrassments in the new law. The section as amended seemed to contain provisions inconsistent with one another, or rather, provisions under which apparent conflict of authority might arise. Given a consistent judge and a persistent lawyer, a situation something like this might develop: A trial is on, the evidence is all in, the court has charged the jury, and one of the counsel is engaged in making requests to charge. The trial is an important one, and has dragged its weary length over several days. The attorney asks the court to charge a certain proposition, the latter refuses and the attorney excepts. The request, slightly modified, is repeated, with the same result. The attorney argues, insists and re-argues; the judge adheres to his ruling. Other cases are waiting for trial and demanding the attention of the court. His honor remonstrates with the lawyer for consuming time unnecessarily by repeating requests to charge after rulings and exceptions have been made and noted. Still the attorney persists, and the judge declines to allow further repetitions to go upon the record. The attorney refers to section 83, "requests" the stenographer to "take down everything," and repeats his request to charge. The judge directs that inasmuch as the point is fully made and recorded, it shall not be put down again.

Now, what is the scribe to do? On the one hand is the formidable mandate of the code; on the other hand is the judge's order, which he is accustomed to obey without question. Although it is not part of his business to construe the code, he remembers that he is directed by the section in question to act *under the direction of the judge*, and that he is to take full stenographic notes *except when the judge dispenses with his services in a particular cause or with respect to a portion of the proceedings*; and although it is not part of his business to decide what are the proper functions of a judge, he knows that there must be a responsible head to a judicial proceeding, as there must be to any other matter where order and progress are demanded, and that the judge is that responsible head. For the

stenographer to assume that in certain circumstances, like those hypothetically stated above, authority to direct court procedure shifts from the court to the counsel, or to imagine that he himself has suddenly become a sort of arbiter of the situation as between court and counsel, would be highly absurd as well as subversive of good order, and would lead to chaos—not to mention other unpleasant results. In less time than is required to state it, he will have made his decision and acted upon it.

Probably there is no cause for apprehension on the subject. Instances like those assumed will be of rare occurrence, and, what is more important, a fair reading of the whole section must convince the stenographer that he is as absolutely under the direction of the judge at the present day as he was before the amendment of 1893.

If these views are correct, he will not deviate from the course he has long followed. That course has been to do his work conscientiously and to the best of his ability, "under the direction of the judge presiding at or holding the term or sitting which he attends."

Should the stenographer ever interrupt the proceedings of a trial in order to keep the record straight? Emphatically, yes, if necessary. It is his sworn duty to make a true record; and if to accomplish that object he is obliged to make occasional interruptions, when he has failed to catch any part of the proceedings, he should not hesitate to do so. Of course this could be carried to an extent where it would be a nuisance, but in that event the remedy would be the substitution of another stenographer. So long as he is at his post he is charged with the responsibility of making an accurate report, and must meet that responsibility, even at the risk of bringing criticism upon his course.

AS VIEWED BY THE LAWYER.

The paper following was read, upon the second sub-division of this topic, by Hon. Martin W. Littleton, assistant district attorney of Kings county.

Mr. LITTLETON said:

Mr. Chairman, ladies and gentlemen:—I thank you for the honor implied in the invitation to address you. I have some misgivings as to my ability to satisfy such a formidable array of intellectual artists, for, as I speak, I am conscious that they are sifting all I say and rapidly portraying the disconnected and unhappy sentences. I presume that I will be permitted, if anything be said inappropriate, to have it "stricken from the record" upon a subsequent application.

Stenography has become of such universal use in all the departments of office labor that it may be regarded just as essen-

tial to success, through modern business methods, as was long-hand in former time, and added to its utility in business is the intelligence, alertness and varied information of the stenographer, always at your side as an able and indispensable aid. Where once the clumsy fingers scrawled illegible hieroglyphs over a soiled and crumpled legal cap, and the brain grew tired and finally blank, waiting upon the awkward and unwilling hand to move, now the swift, intellectual faculties grasp the subtle thought, and the nimble fingers, with scarcely dotted lines, photograph the sound as fast as the brain can create the one or the lips can articulate the other. Once a bundle of papers in the old time office looked like an eruption of ink and ignorance, and now the files of a modern office, with their cleanly and methodical arrangement, testify to the precision and usefulness of the stenographer.

It is in court work, however, that the greatest improvement in the administration of the law through the instrumentality of stenography is noticeable. Here certainly the stenographer realizes the very height of human responsibility; here, of necessity, he is an important factor in the administration of the law; here he finds himself an impartial historian, critical, accurate and indispensable; here upon his work and its worth depend the vast rights of private property and the sacred rights of life and liberty; here he first realizes that what was once half the labors of the bench and the bar has been put together and made his responsibility and duty alone; here he finds himself made by law the trustee of the truth and the vigilant guardian of the facts. The judge, aforesaid, tediously and reluctantly kept his unreadable minutes and the lawyers scribbled their abbreviations known only to them, and garbled portions of the evidence which benefited them or injured their adversary, and from these random and reckless remembrances of a long and important trial they afterwards created a record for appeal which perhaps, more or less, bore some resemblance to the original trial. How much less able is a judge to listen intelligently or to understand thoroughly, when he must be unwillingly keeping a record of the trial! How imperfect must be his observation of the witness and manner of giving his testimony! the doubt or certainty; the confusion or the composure; the eagerness or the reluctance; the bias or the impartiality, when at the same time he must be driving his unwilling hand to the service of his memory. How bewildered must the lawyer feel, in the heat of controversy, in the anxiety of a trial, in the passion of advocacy, when he realizes that the utterances of witnesses, the comments of the court bearing heavily upon the issues involved in the litigation, are not accurately recorded, but must be gathered after the trial in fragments from the treacherous memory, in broken pieces

from the biased mind, in disconnected parcels from subsiding zeal of opposing counsel, and from the necessary indifference of the unremembering judge.

The question "What are the duties of an official stenographer?" must be answered with a full knowledge of the actual facts rather than from a narrow reading of the code or from an imperfect investigation of his development. It may be urged that as he has taken the place, in his record, of what was once known as "the judge's minutes," that he is simply an amanuensis to the judge and that therefore he is to obey the judge to whatever extremes the judge may see fit to go. This is a false premise. The fact that he can, through invention and development, take the place of a once imperfect and unreliable practice, is no evidence whatever that he is hampered by the limitations which a former practice suffered. Whatever may be the history of his growth and development, the fact remains that his duties are defined by law; that he is appointed after an examination, through the medium of the civil service system, in which merit takes the place of favoritism; that he is sworn in to discharge the duties of his office faithfully and impartially. These facts seem entirely sufficient to remove any impression that he is simply an agency of the judge. The act of 1892 provided that the stenographer should take full stenographic minutes of the *testimony* and such other proceedings as were had in court under the direction of the judge presiding. This was a general provision, in a general way outlining the duties of his place. The act of 1893, amending the act of 1892, provided that the stenographer should take stenographic notes of each and every ruling, decision of the judge and, *when the trial was by jury, each and every remark, comment or ruling which either party requested should be taken*. The undoubted purpose of this amendment was to specifically name some of the duties which the stenographer was bound by law to perform. This amendment wisely recognizes that in trials by jury a reckless or unwise judge could by frequent and improper comment turn the drift of a trial, pervert the ends of justice and destroy the usefulness of the jury system. It therefore wisely provided that in jury trials each and every comment or remark of the judge could be taken at the instance of either party to the litigation. This is a wise and far-reaching limitation upon the otherwise unlimited power of the judge. It preserves to the litigants the unembarrassed right to trial by jury, free from the influences which would come from the reckless comment or remark of a reckless judge, and it provides that if such judge chooses to make such comments or remarks the litigants who, after all, are the parties at interest in the whole litigation, shall not be deprived of their rights by such arbitrary methods, but that they shall be entitled

to review the conduct of the court; to call in question the propriety of his remarks; to criticise the method by which he seeks to administer the law, and in a higher court, away from the passion and the zeal of the trial, coldly examine and see if he has gone beyond the proper exercise of his power in the direction and control of the trial. This amendment accomplishes another exceedingly important purpose. It reminds the judge, for whom we all have the greatest respect, that he is human and that he is liable to err, and that if he chooses to interject his remarks into the regular course of the trial by way of comment upon the evidence or other important matters in the trial, there is a method and a way by which he may be exposed, if you please, corrected; brought down from the position of exalted infallibility to a place where we all recognize that even the judge may err. Therefore, it is my opinion that it is the duty of the stenographer, wherever the code enlightens or helps him, to follow it instead of the judge. His skill, his faithfulness, his ability, are all dedicated by the very position he holds to something other than the partial performance of a duty imposed upon him by the arbitrary dictate of a judge, and this ability and skill has been recognized and given a proper direction by the provisions of the code. If it be said that the taking of these remarks and comments of the judge would enlarge the record, the answer is that there is a distinct difference between the record which the stenographer makes and the record upon which the appeal is prosecuted, and after all, the settlement of the record upon appeal is almost wholly within the power of the judge who presided at the trial. If it be said, "What shall a stenographer do if the court commands him not to take the remarks?" the answer is, he shall take what the law tells him to take, and if the judge chooses to direct the omission of something which the law provides the stenographer shall take, he should take *that* down upon the record and let the consequences of the controversy fall upon the party to blame. If the code intended that the judge should be the sole judge of what the duties of the stenographer are, why should the code provide and specify any duty that the stenographer is to perform? If the stenographer is under the immediate and absolute control of the judge in the taking or not taking of remarks or evidence, why does the code provide that if the stenographer be requested by either party to take a remark, he shall do so? Why should it not have said that either party must request the court to have the stenographer take the remark? There was a recognition in the very phraseology of that amendment of an undoubted distaste upon the part of the judge to have his remarks taken upon the record, and so the code provided that the respective parties could ask the stenographer, independent of the judge, and he must take it. It is, therefore, my judgment that if this growing and in-

creasing development of stenography which is manifest all over the land is to ultimately reach its true destiny and accomplish that which is justly within its reach, the stenographers themselves must seek a recognition of their independence as court reporters, asking for the responsibility and getting with it insured authority; being chosen for their ability and accuracy and asking to be trusted after they are chosen. Devoting days and weeks and months to the acquisition of that perfect knowledge which will make for them a professional life, they ought to demand that if they are to be trusted in any department, it is after they have gone through examinations, received appointments, and taken their oath to perform their duty. The field of their operation must widen. Their station in courts must become more and more independent. They must be looked to not as the servant of the judge but as the servant of the country; they must be looked to not as the right arm of the judge but as the impartial and accurate historian of those great controversies which settle property rights, which involve the struggle for life and for liberty. They must be recognized, while acting as court reporters, as being in the employ of both the plaintiff and the defendant, of the lawyers and of the judge, and finally of the people, in the administration of whose laws they are an important agency. If they do not reach this standard, then stenography as a means of reporting trials will become a snare instead of success, a curse instead of a blessing, an agency for the perversion of the law, for the suppression of facts, rather than an instrumentality for the preservation of the truths of a trial, so that the law can be accurately and properly administered.

These are the duties as I view them. This is the standard to which they should aspire as I see it, and upon it I have spoken my mind freely regardless of the views of the entire state association of stenographers. [Applause.]

Mr. McLoughlin: Right in line with some of the remarks that have been made by Mr. Littleton, I would like to call upon Mr. George F. Flack, one of the official stenographers in New York, to express his views upon the same subject.

The PRESIDENT: We would like to hear from Mr. Flack. Mr. Flack stated that he was not prepared.

Mr. MARTIN: Mr. President, I understand that almost the same state of affairs as Mr. Briggs has supposed actually occurred during the last year in one of the higher courts in a very important case, and I would like to have Mr. McLoughlin tell us what he actually did.

Mr. McLoughlin: * * * *

Col. HEMSTREET: Mr. Littleton has brought up a very crucial point of our experience, and I do not believe, in the history of our art, it has ever developed to this logical result. We have all been in that position. Now, appealing to Mr. Littleton's common sense—suppose he is appointed by a judge to the position of stenographer. He has no other vocation. He is unfit for anything else. All the positions are filled, and he has twelve children, which is the common run, I believe, of the stenographic craft. And in the bickering of adversaries, the judge shall direct the stenographer. "You shall not take that down." By section 83, the mandate of the statute, which is greater than any judge, the stenographer well knows he should take it down. Now, there he is confronted with a position. What shall he do? I dissent, as a matter of practical judgment, from Mr. Littleton's view. I do not propose to be a martyr to the incongruities and inconsistencies of the statute, or to the bickerings of lawyers and judges. I would obey the order of the court, for fear he should direct a court officer physically to lead me out into the corridor, which in law he is competent to do. I would obey the order of the court, as every one else does, without any exception, trusting that the party aggrieved could find his remedy in the recollection of the auditors and the parties to the action, and that the stenographer would obtain his correct status thereafter. Coming right down to the matter of fact, there never yet was a stenographer, and there never will be, of any practical sense, who will refuse in open court to obey the direct and specific order of the judge. That is practical. Now, what do you do when you get there? As Mr. Littleton says, the statute ought to be made more clear. The stenographer should be more independent. He should be a state officer, and not appointed by the judge. And he never will have the independence required by a court of law, and by the public who pay him his salary, until his appointment is clear and independent of the court. It is a very vital question Mr. Littleton has brought up, and it is a focal point and it needs discretion to settle it.

Mr. Cook: It seems to me that the stenographer, who, as a citizen, is presumed to know the law, is plainly responsible to the people for the discharge of his duty under the code, according to the view taken by Mr. Littleton. As I had occasion to say two years ago, in a paper read before this association, the stenographer, when appointed, becomes the *recording officer of the court*. His duty is to take full and faithful record of the proceedings. In respect to matters which counsel desire recorded, under a provision of the code, the judge has no more right to prevent such recording than he has a right to restrain

the clerk of the court from furnishing a copy to which the counsel is entitled.

But there is another side to the question. The judge or the referee sometimes gives an order to the stenographer without weighing his words or realizing their force. I have had similar experiences to that described by Mr. McLoughlin, and have treated the matter in the same way. The case cited is an illustration of how judges and referees often fail to realize the relations of different portions of the record, and the awkwardness or mischief likely to follow from omitting one portion or another to which reference may later be made. The frequency of such occurrences proves that the official stenographer, who usually understands and keeps track of the record better than the judge or counsel, should, as the last speaker has suggested, be so situated as not to be under any restraint which will prevent him from recording what he knows *should* be recorded.

Mr. CHERRY: I have here a letter from Justice Hirschberg, of the second department appellate division.

Mr. CAREY: I wrote Judge Hirschberg, telling him the condition of affairs. I told him of an occurrence in our court, which is not far away. In one case counsel took an exception. The judge said no exception would be allowed. The counsel said, "I except." The judge refused him the exception, and so it went on, exception after exception. The court finally ordered the counsel to sit down. The counsel took an exception to that. Finally, when it was all over, the counsel said, "I want all this on record." The court said, "None of it goes on record." Now this letter is probably an answer to that.

Mr. CHERRY read the letter as follows:

"LONG BEACH, *August 16, 1900.*

* * * Nor have I given any thought to the subject you present. I have never known any practical difficulty occasioned by the section of the code to which you refer. The court is necessarily under the charge and control of the presiding justice, and the stenographer fulfills his obligations if he follows the direction of the judge. The section, like all others, is to be construed rationally and some one must determine what remarks and comments are outside the litigation. This responsibility should never rest upon the stenographer, but should be borne by the court. The presumption is that the latter follows the statute in its full and true intent, and I have no doubt this presumption is warranted by the facts. Where it appears otherwise, it is generally the result of counsel's over-zeal or temporary offensiveness.

I will be glad to do anything I can to aid the situation in a definite way, if the need appear."

The views of official stenographer McEwen were read as follows:

"I do not regard it as more debatable than would be the question whether the judge, or the crier, should fix the hour when court should open. In all orderly proceedings in court there must be a responsible head; and it seems to me that that head should be the judge who presides. If he errs in the law, the error can be corrected on appeal; if he offends by exceeding or misusing his authority, that also can be corrected in ways prescribed by law; but a rule which should give the control of the record to the trial lawyer rather than to the trial judge would be, it seems to me, subversive of all law and good order. It is the judge who should say the last and deciding word."

Col. DEMMING: Mr. President, I do not like to burden the record with remarks, but I have in mind a case of a judge who insisted that the stenographer should not take down anything unless he said so, and he became so autocratic as judge, that when the time came for his renomination and re-election, although the district is nominally about eight thousand majority on his side of the fence, he came within about a thousand votes of being defeated.

On the other hand, I recall a judge who says to the stenographer, "Take down everything that I say, and everything that the attorneys say, and let the record be made up accordingly." And sometimes he is very peppery, and sometimes he is not only peppery, but he gets exceedingly heated on the subjects before the court; but it all goes down, and he has the honor and manhood not to change a word or a letter. The result is that this year he comes up for renomination, and both parties endorse him—something never before heard of in his county.

The paper following was read:

WHAT A STENOGRAPHER WOULD DO IF HE WERE JUDGE.

BY WILLIAM HEMSTREET, OF BROOKLYN.

THERE is nothing here but what you all know as well as I do. This paper is written for the lawyers and the bench, and its value will lie only in so far as they hear about it. Perhaps there is a little temerity in my reading it, but it has the merit of being brief.

Thirty-four years' daily practice of official stenography in all the state and United States courts warrants the writer of this in suggesting improvements in that function. The bench and bar tacitly regard stenographers as endowed with phenomenal if not supernatural gifts of apprehension, encyclopaedic knowledge, marvelous powers of hearing and seeing and as geniuses of intuition. Our quietude, suppleness, all-

sidedness, close attention and humility have invited abuse. One result is a court-rushing speed which is altogether abnormal, unsuited to the mental powers of jurors and witnesses, and somewhat degrading of court procedure. Even stenographic speed itself in the courts has been increased twenty-five per cent. since the earlier days of its employment, resulting in habits of feverish haste and slipshod trials wherein the former stately deliberation, gravity, care and accuracy of court procedure sometimes disappear. Lawyers now often try the bench instead of the case by this headlong frenzy, worrying parties, teasing and goading witnesses and confusing juries sometimes out of all semblance of common sense. Judges, lawyers and stenographers may comprehend such a trial but everybody else is dazed.

Stenographers do not complain of mere speed but of its incoherencies which tax the mind before they can be clearly apprehended and taken down. To report a case that is conducted by two old-fashioned though brilliant lawyers is only an artistic and intellectual pleasure. But courts have complaisantly indulged another class of lawyers who sometimes make the development of a legal suit a farce by their own hysteria which they impart to witnesses. Ninety-five per cent. of people who testify in court are untrained in the application of words, and when chased and badgered they, for want of deliberation, innocently fail in accuracy of statement, which only murders justice. Many lawyers and witnesses in cross-examination pass from the domain of intellect into that of emotion, for which law procedure has no use; and such lawyers seem to utterly forget the existence of the man who is drafting the record and his responsibility for a clear exhibit of every point of testimony and law, however confused their presentation may be. The stenographer should be a dignified passenger in the court car, but now he has to scramble along the side rail for the accommodation of everybody else. A few practical amendments to stenographic procedure may be plainly suggested as follow:

First. A judge should always, at every point of the trial, bear in mind his own human infirmities and the faithful and trained assistant by his side upon whom he depends for the court record; and he should constantly enforce upon lawyers the same considerations.

Second. Witnesses should not be allowed to use broken English, for with incongruity of utterance comes disorder of thought and excitability so that no two men in the court room will agree upon what has been said, although from such cart-before-the-horse language the stenographer is expected to produce, instantly, a clear, intelligent, and authoritative record. The majesty of American courts should be expressed in only

American language and through the most accomplished interpreters.

Third. Witnesses should not be allowed to use pantomime, because the stenographer when bent over his notes has not in the top of his head either an eye or an X-ray, as some lawyers seem to demand he should have; and if a witness says, "About that far," or "About so long," or "He stabbed me here," suiting the action to the words, such phrases will mean nothing in print, and the lawyer who does not know enough to have the distance or size of objects, or part of the anatomy agreed upon and stated to the stenographer, ought to be instructed by the court.

Fourth. In the opening of the trial the title of the case, appearances, and all other preliminary matters should be stated in the easy hearing of the stenographer, as the calendar, owing to changes, is not always a safe guide. Common names, scientific and art technique should be spelled out. Starting out in an unseemly hurry in these matters clogs the stenographer all through the trial. Examiners should suspend while the stenographer is marking exhibits.

Fifth. In the presentation of points, objections and exceptions, lawyers should be schooled in the terms of section 83 of the N. Y. annotated code which defines the duties of stenographers. They sometimes say, "I want that taken down," when the stenographer, not having been required by the code to pay attention to speeches or arguments, does not know what the word "that" refers to, nor can the lawyer himself repeat the words a moment after they have passed. Sometimes a lawyer, referring to his own remarks, says, "I want this taken down," while the stenographer, having no discretion, does not know what the word "this" means nor where to begin or stop in a long ramble. If necessary to take down objectionable words of an adversary they should be repeated by the objector, as in deliberative assemblages.

Sixth. In motions and objections lawyers should be compelled to methodically discriminate between their points and their arguments, as the latter encumber the record against the protest of the judges and their rebuke of the stenographer.

Seventh. The court should enforce the payment of stenographers' fees. This official, after transcribing his notes during the night in his well stocked library, after foregoing social and family diversions, after reading to and paying a copyist half of his small fees and then revising the whole work, making three times that the case, word for word, has gone through his mind, is still obliged to refrain from the discourtesy of asking for a deposit, or even collecting on delivery, which often results not

only in pecuniary loss but in personal affront and indignity, for which he has no redress.

Eighth. A vicious habit of examiners is lapping witnesses, that is, in hurriedly commencing a new question before the answer to the last question is completed. As we record from five to eight words behind the utterance, thus carrying the memory of and recording two people at different times, while we are listening to the same two in the present, we are thus required to carry four distinct mental operations simultaneously. This done hurriedly, sometimes from broken English, from an enfeebled voice or the witness' head turned away from the stenographer, perhaps in a poor light at the end of a hot and wearisome day, in the foul and unsustaining air of a crowded court room, makes the task of the stenographer one that should be regarded with at least some degree of reasonableness.

Ninth. Some stenographers will meekly scurry over all this work of supererogation for popularity, but it makes them grow old and does not always conduce to accuracy unless by a prodigious strain upon the memory, making labor not art. Sometimes in these helter-skelter flurries of debate, when a stenographer uses good practical legal judgment instead of shorthand, he happens to please both lawyers.

In conclusion: These and other infelicities have, by the indifference of judges and the modesty of stenographers, continued decade after decade until they have become chronic. The office of court stenographer should be regarded with more distinguished consideration in that careful manner and method which should be expected in the dignity and gravity of court trials and in making up and printing a book case. Then this wear and tear will not only be mollified but all parties and witnesses will be taken down for just what they mean to be, records will not be encumbered, judges will not be wearied with verbosity, and the ends of justice will not be defeated; but rather the calmness of and general respect for the courts of law will be upheld.

MR. S. C. ORMSBY: I have listened with profit and pleasure to this discussion, and it seems to me that it rather is in the nature of a debate, and I think that we can listen with considerable additional pleasure to Mr. Littleton, if he would close it, and say what he thinks of the stenographers' side of the question.

THE PRESIDENT: I know we would all be very happy to hear again from Mr. Littleton..

MR. LITTLETON: Mr. President, ladies and gentlemen: I think I have said about as many libelous things as I ought to

be allowed to say to-day. There is nothing in what I have heard that changes my view. I suppose the gentleman refers to what Col. Hemstreet said. I plead guilty to everything he charges the lawyers with, and more too. I plead guilty to what the judges do, but the judges will not abide by my plea.

I had the pleasure of trying my first case in the east in this city. Col. Hemstreet reported it. I remember, while I don't remember anything else much about the trial. I was pretty badly scared, and I know he gave me some exceedingly warm words of encouragement at that time, and ever since, and as to anything he says in his paper, if I did not disagree with it *entirely*, I never would publicly disagree with him, because he has been too warm and cordial and courteous with me. I realize that I am perhaps the most difficult man in court to follow, so far as the stenographer is concerned. It is hard on both my client and myself, but it is more so for the stenographer. I talk violently. As a friend of mine down in Texas once said to me, "When you see they have caught your idea what is the use of finishing it up? We are wasting time. If you state an idea to a witness, and he don't catch it, back off and go at him at another angle, and finally you will strike him." I essay to ask a question, and words don't come quick enough, and I run a kind of race with my mind, and my brain gets far ahead of my expression of the idea, which is therefore often left unfinished.

I think the description Col. Hemstreet has given in his paper is correct. I think that describes the condition of disorder in court, and I think that if the stenographer takes the place to which he is entitled by the very position he occupies, that of an independent public officer, a man that is not employed by the judge or the lawyer, or anybody else, but is an independent public official, I think whenever he does that and makes his record clear, he will then be in an attitude to complain about some of these disorders. But so long as he remains a poor reflection of the idiosyncrasies and arbitrariness of a judge, as long as he sits with one eye on his notes and one on the judge, afraid of him, of course so long will he be dependent upon the direction of the judge. Because, as Col. Hemstreet says, when the lawyer wishes you to take something down, and the judge tells you not to do so, what are you going to do about it? That is an admission that legally I am right. He does not want to deprive himself of a home, etc. That is simply putting the code against the job, in a practical sense. That is all there is to it. It is simply saying, "I don't want to incur the displeasure of this man by doing my duty under the code, because he may yank me up for it, and throw a tight rein over me." There is not a judge in this department—aye, in any department—that

dares meet a stenographer squarely on that issue before any court.

Col. HEMSTREET: It is not that so much as it is to be rebuked in open court. I would just about as soon be discharged as to be insulted in open court.

Mr. LITTLETON: To be rebuked in open court is an indignity, certainly, which no man ought to be permitted to suffer. But the public rebuke would be one time, Col. Hemstreet, and no more.

Mr. NORCROSS: I can speak from personal experience of one or two matters that Col. Hemstreet has written about in his paper. I have not hesitated to call down either witness or lawyer, and I have been sustained by the court every time.

Col. DEMMING: Did you ever call down the court?

Mr. NORCROSS: The court and I are friends.

The PRESIDENT: If there is no further discussion on this question, we will hear the paper prepared by Mr. Bigelow, entitled "Bigelow Papers."

Mr. BIGELOW: As the time when we are to depart hence is so near at hand, I might suggest that we have it in the morning.

Mr. CHERRY nominated Mr. Edwin C. Cloyd for membership in the association.

Mr. THOMAS presented the name of Mr. Clarence Bonyng.

Both nominations were referred to the appropriate committee.

Upon motion, the convention adjourned to 10 a. m.

SECOND DAY, FIRST SESSION.

The PRESIDENT: Mr. Bigelow's paper will be read later during the day, and Mr. McLoughlin will now read his paper entitled, "Should the Stenographer or the Clerk Mark Exhibits?"

HOW TO MARK EXHIBITS AND WHO SHOULD MARK THEM.

BY PETER P. MCLOUGHLIN, OF NEW YORK.

MR. Stenographer, please mark this paper. What was the number of the last exhibit?" says Mr. Smith, counsel for defendant.

"I think it's No. 6," quickly says the stenographer, endeavoring at the same time to catch Mr. Smith's next question, which is put regardless of the fact that the stenographer is himself engaged in answering a question and also attempting to make some kind of mark on the exhibit which at least he can decipher.

"You should keep an accurate note of the exhibit numbers, Mr. Stenographer," says the learned court rather arbitrarily and seeming a little vexed at the slight delay. "Yes, your honor," humbly remarks the stenographer, still following the questions and answers, while mentally he thus addresses the court: "May it please your honor, has it ever occurred to you with all your learning, or Mr. Smith, or Mr. Jones, with all their wit and knowledge, that the stenographer has more to do than anyone in this court, while a trial is proceeding? He must keep his ears and eyes wide open to catch the swift coming questions and answers, the objections of counsel, and the rulings of the court. His hearing must be acute to catch the words of each speaker; his brain must be active to recollect the stenographic form representing the spoken words, and his fingers must be deft to place the stenographic character upon the paper. In addition you ask him not only to mark the exhibits, but to keep an accurate account of them. Of course, your honor, in Brooklyn there are stenographic wonders, like Mr. Bigelow and Wat. Ormsby, who allege that they have two hemispheres in their brains, with one of which they hear the questions, and with the other the answers, but even *they* have not a third compartment in their upper story with which to remember and record the numbers of the exhibits. True, that once in Buffalo we had an ambidextrous stenographer who could write the questions with one hand and the answers with the other, but up to this time he has not cultivated the art of writing with both feet, so that he could mark and keep track of the exhibits for the benefit of the court and counsel. Let me make a suggestion to the court: "Why not give the clerk something to occupy his mind, and let him have charge of the exhibits and mark them?"

Is not that the answer to the second question, that the clerk is the person who should do this work of marking and caring for the exhibits?

Now, how should exhibits be marked? Some exhibits cannot be marked at all. How many articles have you men met with as exhibits in courts: My experience has been limited to the criminal courts, but even I have met with bottles, boxes and bicycles; chisels, carving-knives, and cork-screws; diamonds, deeds, and darning-needles; jimmies, jack-knives, and jugs; locks, laundry tickets and lead-pipe; money, machines, and market-baskets; pocket-books, packing-cases, and pawn-tickets; revolvers, return tickets, and rough on rats; stamps, stilettos and Raines' law sandwiches; tickets, time-tables and stock-tickers; watches, wearing apparel and water-pitchers. Each one of you could add to the list, but I doubt if any stenographer was ever asked to do the work of marking as an exhibit a human brain taken from a body an hour before, and carried into court on a plate, and

placed upon the stenographer's desk. That is what I had to attempt to mark in a case some years ago. If Ormsby or Bigelow had been acting in my stead, they could, with their knowledge of pathology, have demonstrated to the court the absence of a third hemisphere in the brain.

Outside of papers, nearly all exhibits should have a tag attached to them in order to be properly marked. The stenographer has no time to attend to this. White seals have at times been used to mark many articles. The usual method of numbering exhibits is to mark plaintiffs' numerically and defendants' alphabetically. This is sometimes confusing as the alphabet is soon exhausted and then comes A¹, A², etc.

A talented stenographer suggested to me that all exhibits should be numbered from one to one thousand regardless of whether they are plaintiff's or defendant's. Is that not a good suggestion? Does that answer the first question? If not let those who know more about the subject than I do, suggest the remedy. But as to who should do the marking there is but one answer—the clerk. This plan was practically tested in a recent case in New York, and in the paper about to be read you will see the method followed. It is well for me to remark that the clerk in this case was an exceptional one. Professor Brophy is a man of rare ability, of classical education, for many years an instructor in one of our leading colleges and an author and lecturer of considerable renown.

Mr. McLoughlin: Professor Brophy not being here, I will read the other paper, as it follows right in line with what I have read.

HOW EXHIBITS WERE MARKED IN THE MOLINEUX TRIAL.

BY PROF. J. P. BROPHY, CLERK OF PART III OF THE COURT OF GENERAL SESSIONS, NEW YORK.

IN view of the multiplicity of exhibits in the case of The People vs. Roland V. Molineux, Recorder Goff, the presiding judge, directed me to take full charge of everything in that line. There were eight sets of exhibits in all—six for the prosecution, and two for the defendant. These were marked respectively, People's exhibits, numerical series, 1, 2, 3, etc., for identification; People's exhibits, numerical series prime, 1, 2, 3, etc., for identification; and People's exhibit, alphabetical series a, b, c, etc., for identification; then, People's exhibits, numerical series, 1, 2, 3, etc., in evidence; People's exhibits, numerical series prime, 1, 2, 3, etc., in evidence; and People's exhibits, alphabetical series, a, b, c, etc., in evidence. Those introduced for the defendant

were marked Defendant's exhibits, 1, 2, 3, etc., for identification; and Defendant's exhibits, 1, 2, 3, etc., in evidence.

To keep all these in proper order and each one available for inspection on the instant, I secured a number of large portfolios, each containing some thirty compartments. On the outside of each portfolio was placed a conspicuous label, indicating the exhibits contained therein. In a separate portfolio were kept all exhibits not yet introduced.

I arranged that each compartment should contain ten exhibits—the first ten in the first compartment, the second ten in the second, and so on to the end.

As each exhibit was admitted by the court for identification, or ordered in evidence, I would mark it as directed, and then announce aloud the nature of the exhibit and the date of admission, or order. I would then put the exhibit in the proper portfolio, placing the first in the compartment furthest from me, and working towards myself as, one by one, the other exhibits were introduced. Throughout the entire trial this order was followed, all the portfolios being arranged in a row on the desk before me, and an officer of the court being always on guard to see that no one but myself should take or replace any of the exhibits.

What was the necessity for having so many different series? The reasons are these: There were many letters and memoranda that the defendant acknowledged he had written. These the district attorney desired to keep by themselves for purposes of comparison. There were many other letters and documents that the prosecution claimed were in the handwriting of the defendant, but by him denied. These, also, had to be kept by themselves. Then, there were what were called the "Barnet" letters, and the "Cornish" letters. Each of these series had to be kept separate. And so with all the other groups of exhibits in the case.

To facilitate the quick selection of an exhibit called for, I adopted this plan. Eight books were kept—labeled to correspond to the eight different portfolios. In the different series, each letter or number, was followed by a brief description of the exhibit thus marked. In a separate book, kept alphabetically, I entered under its appropriate letter some "cue" words, briefly describing each exhibit and referring to it by its letter or number. These books were kept open before me all the time, and in this way I was enabled to place my hand instantly on any exhibit required. For example, were "People's exhibit, No. 5" called for, I would turn to the first compartment of the numerical portfolio and get it without trouble or delay; but, if the district attorney, or the counsel for the defendant, could not remember the number, but would ask for the "Cor-

nish" letter to the Von Mohl Company, then, glancing at the words "Cornish" and "Von Mohl" on the "cue" book, I could at once see the number or letter, under which it was admitted, and so be able to select it on the instant. All boxes and bottles and books introduced were marked on the same plan and kept in separate drawers of my desk.

At the close of each day, I would compare the lists with the exhibits to make sure that each exhibit was in its proper place. Then I would put all in a large wooden box, seal the box in open court, place my initials and the date on the seal, and have the box taken by court officers to the large safe in the clerk's office on the floor below. Then I would lock the safe and go home.

Each morning, two court officers, in my presence, would take the box to the trial room, where the seal would be broken by me in the presence of the court. This routine was followed day by day throughout the prolonged trial, and, in my judgment, by the method adopted and applied, at least two weeks' time was saved for the court.

Of course, it is a work that requires intelligence and system, and great care not to lose one's head; but, once understood, the method is very simple and easily applied. In the ordinary course of court procedure, with many pleas and jury trials each day, the court clerk is kept too busily employed to devote any time to exhibits; but, in a lengthy capital case, in which the same jury continues day after day, the clerk has ample time to attend to the marking and handling of all exhibits. Where the issue is one of life or death, the stenographer's duties require him to be constantly on the alert to note every word that is uttered by the court, the witnesses, and the counsel in the case.

[NOTE.—In describing the Molineux trial, in the New York Herald, Mr. Clement Scott spoke very highly of the manner in which the Clerk had discharged his duties. Referring to the exhibits, Mr. Scott said: "So admirable was his arrangement, that with the quickness of a conjurer, Mr. Brophy had every exhibit at hand the instant it was called for."—Pub. Com.]

Col. DEMMING: Can the gentleman state how many exhibits there were all together?

Mr. McLoughlin: No, except as it is here stated, something over two hundred.

Col. DEMMING: I will say that in one or two cases where I was interested as stenographer, the exhibits ran up to more than three hundred in number, and by numbering them numerically we had no difficulty whatever. We did not have to classify them, and the counsel and all parties interested were able to find the exhibits they wanted without any delay, and the stenographer marked all the exhibits. In our courts the court allows

ample time for the stenographer to mark anything that requires marking. In some courts I notice that the stenographer is too modest to stop the court for this purpose, but it seems to me it is the stenographer's duty in marking exhibits to call a halt, and if necessary to announce in open court that these markings must be made in ink, and that they have to be made not only on the exhibit but in the stenographer's notes; and one or two halts of that kind will enable the whole bar to understand and to wait accordingly.

Mr. LOEWENSTEIN: Mr. President, in regard to marking papers I have had a great deal of difficulty, because the examining counsel would not give a chance to mark them, but would continue the examination irrespective of the stenographer. I had a series of rubber stamps made, for marking "plaintiff's or people's exhibit," "defendant's exhibit," "plaintiff's or people's exhibit for identification," "defendant's exhibit for identification." I have the plaintiff's stamps at one side of me, the defendant's on the other. As soon as papers are introduced I stamp them. It saves a great deal of time. All I have to insert is the numbers.

Mr. BEALE: It may be interesting to know that in some of the western states—I am not sure of the names of all of them, but Arizona is one of them—it is part of the statute governing the stenographer's duty that the clerk shall mark exhibits, and in such cases they are filed as documents in the case, just the same as the pleadings, or any other papers, and a fee is paid for recording them. I would say that in Massachusetts for a long time we have pursued the practice of stamping, under the suggestion of one of our judges a number of years ago. In talking with him about the difficulty of marking exhibits, and the pressure of lawyers who would not wait for the stenographer to perform that necessary duty, he asked me if there was not some way of marking them quicker, as he said it was annoying to the lawyer to interrupt him, and also delayed the proceedings, if there were many exhibits to be marked, and he suggested using a rubber stamp. Nearly all of the Massachusetts officials now use a rubber stamp, and those who are interested will see impressions of them in the exhibit here. Most of us there employ the numerical order, without distinguishing the plaintiff from the defendant, except in criminal cases. In all civil cases we make no distinction between the exhibits of the plaintiff and of the defendant. In case of maps, charts, etc., we do not mark them, and a great many of our Boston cases are cases in which the exhibits are plans which belong to the city or to some of the departments, where they will not allow them to be marked, and in such cases we have to describe them sufficiently to

identify them. That, of course, takes time, but we have to insist upon time to do it, although there is a great deal of reluctance on the part of the authorities to give us time to do it.

Col. HEMSTREET: Mr. President, we must get down to a system. In thirty-one years of practice in the criminal court here I have come to the continuous numerical marking. The context of the trial shows who the exhibit belongs to. I consider that superfluous. It saves time. The stamp is all right. Each party takes his exhibit right back, and has it in his possession for reference. I think that the classification of exhibits, as plaintiff's exhibit and defendant's exhibit, is superfluous, and somewhat bungling. It serves no purpose that I can see. It only gives the party, when he is in his office, a bird's eye view of the exhibits, to know what they are. But that is of no consequence officially. The court has the record, and the court is the party to be satisfied. Numerical designation, from No. 1 on, I think, fills the whole bill, and that I have finally come to by thirty-one years' practice. The continuous numerical system is, in my judgment, the best.

Mr. ROSE: Mr. President, I never have been able to save time by using a stamp. Those who use a stamp also have to use a pen to mark the numbers. I always keep a sheet of paper on my desk beside me upon which to keep track of the exhibits. In regard to marking bottles and jars, in a recent case in Cortland, where we had a great many bottles and jars containing various parts of a man's anatomy, and where there were also pieces of bone found in the fire, the district attorney was thoughtful enough to furnish tags and attach them to the exhibits, and I marked them as Mr. McLoughlin stated he did.

When no more than one exhibit is handed to the stenographer, it does not bother him a great deal to mark them and keep along with the examination; but where there are three or four papers thrown upon my table, I ask them to suspend while I mark them; and our judges have gotten so that they suggest to counsel that they suspend a moment while the stenographer marks the exhibits.

Mr. EDWARD CARROLL, JR.: Mr. President, though I am not a member of this association, I beg to make a suggestion. I cannot understand why a body of stenographers should deliberately impose upon themselves labor, and avoid that opportunity for rest, which the marking of an exhibit always affords. I should think that they would rather devise a scheme which would take at least five minutes to mark every exhibit, so that they would have a chance to pull out all the kinks in their fingers and arms.

Mr. SAMMIS: I think Mr. Carroll must be wealthy. He doesn't seem to be anxious to get full notes. In a case where there were a number of exhibits, I have used the alphabet for the defense, and the numerical system for the plaintiff. Upon a paper I put a series of numbers and a series of letters, and strike off according as I marked. In a case at one time where we had a great many exhibits to mark, one man called off the paper, and another marked the exhibit, and took a description of the paper. That occupied about two weeks, and there were two trunks full of exhibits.

Mr. ROSE: I do not wish to be understood that I would not like to shift the burden upon the clerk. I would willingly do that, but I do not see any prospect of it.

Mr. ARTHUR HEAD: I do not believe in putting the burden on the clerk. A stenographer has certain responsibilities in regard to looking after the exhibits, and keeping them, especially if they are written exhibits; and as far as I am concerned I would rather take charge of them than to have the clerk have charge of them. As to the clerk marking them, the system described by Mr. McLoughlin is certainly very perfect. But I have always found it convenient to mark them numerically, with no distinction between the plaintiff's exhibits and the defendant's exhibits, except the descriptions of the exhibits. I have had exhibits number as high as seven hundred and fifty. I simply marked No. 1, deed, John Doe to Richard Roe, dated so-and-so; No. 2, conveyance, etc. I keep an index of the exhibits as much as I do of the witnesses. When an exhibit is handed to me for identification I simply mark the exhibit by a number, and the date of it, and then I enter on my notes, exhibit 5, deed, John Jones to Robert Day, dated so-and-so; so that by reference to my notes or my index I can always tell what the exhibit is. I am not sure but the distinction between plaintiff's and defendant's exhibits would be an improvement, and I have thought sometimes of adopting that system. I have never found any difficulty in carrying the numbers on consecutively and continuously. The only inconvenience I find about that is that when you are through making your transcript, and want to return the exhibits to counsel, it sometimes requires a little trouble to sort them out and return them to the parties. That would be the only object I can see in distinguishing between the plaintiff's and the defendant's exhibits. I was struck with the wisdom of that Arizona law, by which all the exhibits must be filed in the case. In a case however where there were two or three dry-goods boxes, and several tree stumps and saw-logs brought in as exhibits, I do not understand how they file them as a part of the record of the case.

Mr. S. C. ORMSBY: As to who should mark the exhibits, I should think that the best way would be to have the lawyer mark them. They are his exhibits. Let each lawyer mark his own exhibits. I know that in two cases that my brother and I reported jointly, and which went to the United States supreme court, that system was followed, the lawyers on each side marking their own exhibits. When an exhibit was offered in evidence, they called out to the stenographer what the number or mark was, and the stenographer took it, without any trouble.

Col. HEMSTREET: Was that in the U. S. court?

Mr. ORMSBY: It was.

Col. HEMSTREET: Well, they are more deliberate there than in our state courts.

Mr. ORMSBY: This was before an examiner. Usually they want you to write down the answer, mark the exhibit, and take the next question, all at one and the same time. A man needs not only to be able to write with both hands, but it reminds one of the theory of the three lobes of the brain. But it does seem to me that the lawyer himself is the man to mark the exhibits in an ordinary reference case. He has charge of his exhibits. He will not surrender them to the stenographer anyway, and I think he is the proper man to mark them. In court work I have always been of the opinion that the clerk should do the marking and allow the stenographer a chance to rest up. I also think that the best system of marking is to use numbers. With a thousand exhibits, you can number from one to a thousand. You will mark them very readily under that system. If the stenographer has to mark them he must have some quick system, and he can not afford to write a whole history of the exhibit in his notes, in the progress of the trial. I think an objection to the stenographer marking the exhibits is that one may be opposed to doing additional work without compensation. I know that on some references the additional work that I have done, where I have had them dump a whole lot of exhibits, maybe two or three hundred, on my desk, and tell me to mark them in my own time, outside of the reference, has been considerable, and all for nothing. A lawyer would object very seriously to any charge being made.

Mr. Cook: I must testify that I have been more fortunate in my experience in regard to the willingness of the lawyers to pay for services in that line. In one case (an accounting of executors,) where I was instructed to mark a large number of exhibits at my convenience, outside of the reference hours, I was also told to charge a reasonable fee for the extra work, and the parties readily agree to pay the rate which I named, of two

dollars and a half per hour. That was long before the formation of the association of law reporters of the city of New York, and the adoption of a tariff.

Col. DEMMING: Does Mr. Ormsby contend, notwithstanding the declaration of Mr. McLoughlin, that there are three lobes to the brain? I ask, because, if there are any human beings at all who have three lobes to the brain, on *post mortem* examination, it is the court stenographer, after he has served a number of years. I have no doubt that on account of the change that takes place in mankind, according to the theory of Darwin, it is possible that, on *post mortem* examination, in a stenographer's brain more than two lobes would be found.

Mr. McLoughlin: Mr. Demming, you know we only have one *Loeb* in this association.

Mr. RODGERS: The course followed by our firm, in marking exhibits, is to mark the plaintiff's exhibits numerically, and the defendant's alphabetically, with this addition, that we always attach our initials and generally the date. It occasionally happens that cases come back for retrial two or three times, and if there is no designation, by initialing or otherwise, counsel sometimes become confused as to which marking to use. I have before now seen two or three or four numbers, showing that a paper had been used before as an exhibit. In regard to having time to mark exhibits, if an exhibit is passed to me to be marked, and immediately snatched away, after the prevailing custom, and a question is propounded to the witness, I simply stop the proceedings to inquire of the attorney. "Did you wish this exhibit marked?" That has the desired effect, and I have an opportunity to mark the exhibit. I have never found any difficulty by pursuing that course.

Incidentally I may say that in a case which is now running, we are now up, I believe, to 2,500 exhibits, and the plaintiff has not yet rested. Our way of marking those exhibits is to take a numbering machine into court, and the referee adds his initials.

I met with an innovation awhile ago in a case that had been tried in one of our county courts, and was then retried in the supreme court. When the exhibits came to me for marking I noticed that my predecessor, who was a lady, had marked the exhibits in shorthand, "plaintiff's exhibit No. 1," "defendant's exhibit No. 1," and so on, thus making the marking of no value to the lawyer ignorant of stenography.

Mr. BEALE: In regard to what Mr. Rose said about not saving time by the use of a stamp, probably what he marks on his exhibit is different from what we are required to mark. There is no statute in Massachusetts as to the marking of exhibits, but

the judges have made a rule, which has become a custom, that the stenographer's initials, the abbreviation "Ex." for "Exhibit," the number, and the date, should all be written. The consequence is that, in order to write all that, considerable time is required. Our stamp contains our name and official title, and the abbreviation for "exhibit," and it has a changeable date stamp, so that it has the date of the day that it is marked. Consequently all that we have to put in is the number of the exhibit. For keeping track of it we have a temporary index which we have beside our note-book, (and a sample of that is also among the articles on exhibition here,) which indexes as we go along, the number of the page on which each examination commences, and also has two columns, one for plaintiff's exhibits and the other for defendant's exhibits. The consequence is that if the first exhibit is for plaintiff, as it naturally would be under most circumstances, we simply put down our "1" in that column. That means that we have marked one exhibit for the plaintiff. If the next should be defendant's exhibit, we mark "2" in defendant's column. At a moment's notice we can tell by that temporary index the number of the last exhibit marked, and also whether any special number applies to the plaintiff or the defendant. When we come to sort them out in the case and give them to the respective parties it is a very easy matter to do it, it seems to me. As each witness comes to the stand, we put down his last name as quickly as we can on that index, and the number of the page on which the examination commences. So that throughout the case we have a temporary index of his examination, and when his cross-examination commences we put that in the next column, under "cross-examination," and "re-cross" and "re-direct" in the same way. So if we are asked to look back quickly for any witness's testimony, we do not have to skim through the whole note-book to find it. That does not have anything to do with marking the exhibits, but it is part of our system of indexing, and I thought I would explain that.

In regard to the clerk marking exhibits I certainly think it is the best plan, if it can be carried out. I notice that Mr. Ormsby, in speaking of cases before referees, etc., spoke of the lawyers marking exhibits. In Massachusetts there is a different custom from that. In an auditor's case, or in a case before the master of an equity court, the examiner marks an exhibit, putting his initials on it. I do not know whether that is required by the rules of practice or not, but it has become a custom, so that in all cases before referees, auditors or commissioners, the stenographer has nothing to do with marking the exhibits.

Mr. WAT. L. ORMSBY: I would be very glad to assist Mr. Brophy in any way that I could to have a bill passed by which

the clerk should be designated and empowered to mark all exhibits. It is certainly one of the things which we all have to submit to, and I have therefore found it best to adopt the simplest plan, and frequently call the attention of counsel to the fact that when I am called upon to mark an exhibit I must practically mark it three times—once in my notes, besides marking the exhibit, and I also make a note of it on a slip.

Now the simplest form of marking exhibits is, of course, by numbers. The most exhibits are usually those for the plaintiff. Therefore I use numbers for the plaintiff's exhibits, and letters for the defendant's exhibits, and when all the letters of the alphabet are exhausted, and I reach Z, I mark thereafter Z1, Z2, etc. After reaching Z, I have the same advantage that I have with numbers.

Col. HEMSTREET: There is only one word I desire to say, (if I may be pardoned for speaking a second time,) and that is on a subject that I have always had at heart. It has been suggested by some remarks. Stenographers ought to assert their dignity and independence. I wish to impress upon this convention the necessity of establishing a new system among stenographers of making themselves officers of the court *de facto*, and if a lawyer is running over you stop him, and your protest will be respected by the court.

Now if I may utter one word of criticism on the local practice here, it has been the absolute humility, as a general thing, for many years, of the stenographers of this county in allowing counsel to ramble over them as though they were mere machines. Now we can stop that by adopting the practice of taking our leisure. If a lawyer is too fast, or if he attempts to run over you with a question when you have an exhibit to mark, stop him. You will find the court will support you every time. I urge this now as a universal practice of all of you, not of one or two only.

The PRESIDENT: I want to announce in this connection, that Mr. Beale has very kindly brought a collection of four or five hundred exhibits of shorthand stationery and expedients used by shorthanders. The display is worthy of the closest inspection, and I hope all will avail themselves of the opportunity at recess. On behalf of the association, I want to publicly thank Mr. Beale for the interest he has displayed in this matter.

Mr. ROSE: I may remark, in answer to Mr. Beale, that in marking exhibits I do not put on the date. I think the date in my notes will show that, and if the counsel wish the information they can get it in that way. Time is too valuable to do more than mark "Exhibit 1" and the simple initials. You also have

to mark it in your note-book, and then keep track of it on the slip.

Mr. BEALE: As to what Mr. Rose says about the date—we follow the instruction of the court, and I think I can give the reason of that, very briefly. A great many court cases come back for retrial, and many of the cases come up from the lower courts. In that way exhibits are marked three or four times, as Mr. Rodgers says, and there is a dispute as to the marking. The idea of marking the date is for identifying the time when the exhibit was marked. Of course the date, etc., may be marked in our notes, so far as the final transcript is concerned. But it seems to me that when the date can be stamped on without any additional delay it is certainly valuable for exact identification.

In regard to numbering consecutively, in contrast with the lettering, we also have had that advised by our judges (who are perhaps a little more particular about looking into such things than the judges in some states,) for this reason: That in attaching certain papers, copies of notes, etc., to the stenographer's transcript, it is almost invariably the custom to mark them "exhibit A," "exhibit B," etc., and to refer to them in the pleadings in this way: "A certain document is hereto attached, marked exhibit A." In the same way, when depositions are brought into the case, and they contain exhibits, they are almost invariably marked by the letters. The result is that there might be confusion if letters were also used in marking the regular exhibits in the case. So they have advised us to take this course, and I am merely giving our practice as not perhaps the best that could be obtained, but what seems to have worked very successfully in our state, and I never knew of any confusion occurring in my notes in regard to marking exhibits when that plan had been followed.

Mr. S. C. ORMSBY: One little wrinkle, that I first saw used by Mr. Charles P. Young, I thought particularly good in reference reporting, where cases are adjourned over from week to week and month to month, for a long period,—and it also might be used very advantageously in daily copy cases in court—and that is, the practice of noting on the last page of the testimony the last exhibit. For instance, "Last plaintiff's exhibit, 20; last defendant's exhibit Y," or whatever the letter should be. It permits of very ready reference by the stenographer who follows on that day's take, and it also permits of ready reference by the lawyers and the other people interested in the case, and it has been of great service in all cases where I have seen it used.

Mr. JOHN B. CAREY: I do not think this is a very important matter,—not as important as getting our salary raised! Every

man will mark papers to suit himself. Sometimes a paper is handed up and the counsel will say, "Don't mark that. That is a public record." In that case the paper has to be, of course, indicated by a description.

Here is another thought, in regard to stamps. A man might have a double exhibit-mark, so that he might lay an exhibit down on his note-book and mark the exhibit and mark the note-book at the same time. I have seen it done. I know an old fellow in the country who had this method. He had gummed slips of paper. He would write the witness's name on the gummed slip, open his book, put in the name, moisten it, stick it on, and the end would stick out of the book so that he could turn to it rapidly.

The PRESIDENT: Ladies and gentlemen, we have with us this morning another Pennsylvanian, from whom I know you would all like to hear. It gives me pleasure to present to you Mr. Taylor McBride, of Philadelphia.

Col. DEMMING: Mr. President, I wish to say just this: that Mr. McBride, Mr. Head and I are sent as visiting delegates from the Pennsylvania State Stenographers' Association. We propose to send delegates to our sister states from year to year, and we hope that the New York Association will reciprocate by sending two or three delegates to Pennsylvania.

Mr. McBRIDE: Mr. President, like a great many other wielders of the pen, I am inapt at talking on my feet. I can say however that I thank you for the privilege of meeting you here this morning, and I have listened attentively to what has been said. I think I have learned something by coming over, and I expect to learn more. The President of our association is here, and I think, as far as a representative Pennsylvania man is concerned, that you should call on him. I again thank you for your expression of cordiality and fraternity.

The following paper was read:

WORK IN VACATION.

BY JOHN E. NORCROSS, OF BROOKLYN.

WHEN in this latitude the strawberries come, and the wheels of justice are slowing down, when trial term and equity term are clogged and congested with cases which have been put on the calendar and put off and on again with monthly regularity, the court stenographer rejoices that a morning is near at hand when he need not be at his desk at ten o'clock ready to record the words of litigants, and those of their witnesses and counsel. The details of the last foreclosure suit, or mechanics' lien no longer absorb his attention, marital woes

are not to be heard for a season, and the interesting particulars that attend supposed or alleged defects in real estate titles remain locked in the breasts of the parties. The hard worked clerks may close their books of records, the jurors are called no longer, the occupants of the back benches may seek the benches in the park, where instead of hearing the thrice told tales of trouble they may listen to the songs of birds, or at least to the chatter of the sparrows. After the judge has tried a trolley case with the jangle of the bell still in his ears, and the wild tales of the distance covered by a car in some small fraction of a second, or the ease with which it can be stopped in the same space of time, he may go to the fields and study the laws governing the flight of spheres under the impact of clubs of varying weight and shape, as found in the game of golf; he may investigate the behavior of a cord under differing degrees of tension, with a rod and reel and a trout of any supposed number of ounces. All these may properly be considered at this season, and every one concerned has a chance to depart from the even tenor of his way.

Change of air, scene, or occupation is what the physician prescribes for the tired brain worker, or the fashionable invalid. The one, however, cannot always get away from his work, the other cannot get away from himself. One man is urged to take a trip across the sea, when for a time varying from one to two weeks according to the speed of the ship which carries him he may be free from the worries which the postman brings him with unfailing regularity, but he misses his morning and evening newspapers with the "extra" between times, and as soon as he reaches a cable station he telegraphs home to learn how his particular fancy in stocks is, and becomes elated or cast down accordingly. While at sea, however, he has a complete vacation in that he has a release from work, but all the time his mind is active, and he worries about how things ought to be. The dweller by the seaside seeks the hills but he would not go too far from the city that he may run down thither now and then to get a little rest. Another who prefers to take his sea by sight, and while sniffing the brine laden air and taking in the life giving ozone, would rather have solid steady soil beneath his feet than the planks of a tossing, heaving vessel, rejoices that he escapes seasickness. In his cottage by the sea he has all the beauties of the deep with none of its disadvantages, dangers or troubles, and while the wind blows a hurricane, and the wild waves loud lash the sounding shore, he may felicitate himself that while he sees the ocean stretch far to the east, beyond the limits of vision, when sky blue sea and sea blue sky meet so that he can scarce descry the horizon, the solid ground is at his feet, without a mile or more of moisture between, and that the post-

office is but a few minutes walk away, where he may stroll down and discuss crops or politics, stock or stocks, with the other cottage dwellers who sigh for the delights of town, and invent various excuses for a hurried visit to the office to attend to some important business that a clerk has bungled, and which will require the presence of the chief for two or three days at least. Or it happens that a personal interview with a client is essential, and as the client cannot come the lawyer must go. In many cases like these the change of scene and occupation is like that of the young man and the wood-pile. He sawed the sticks in one corner of the yard, and then for change of scene and occupation he chopped the sawn pieces into firewood, and still further varying scene and occasion he carried the split pieces into the woodshed. But "there are others." Last year one young lady who helps a colleague to read his notes was in a quandary. The time for her vacation had come and she began to make preparations for going away. When she was quite ready, and all her preparations made, she woke to the fact that her vacation had so nearly expired it was no use to go away; so she took a trolley ride to the Park and another to Coney Island. This year she profited by her experience, and went off on her vacation without getting ready, and from all I hear she is enjoying herself hugely and will return for the fall campaign, ready to resume thumping the machine until she is tired of being dictated to.

One year when at Newport,—now don't be surprised or shocked, the millionaire stenographer may pass a month at Newport without losing caste—it fell to the lot of the present narrator to meet a gentleman from Dublin, by way of London and Boston, and to me he had much to tell of reporting in the British parliament, particularly in the Commons. But gallery work he declared was nothing to the committee work, where it was three and four hundred words a minute. He had no idea that he was talking to a shorthand writer of some experience, but he proclaimed himself a fraud. In fact, to borrow a phrase from the noble language of the law, whether it will be found in Broom's Maxims I cannot say, but as Catiline once said of that eminent lawyer Cicero, after one of the latter's splendid orations, you have all read them, *Loquitur per apicem, rotas in capite habet*. It would have been cruel to have undeceived him, but he seemed so pleased to tell of his exploits as a gallery man and committee reporter that we let it go. It is more than likely he had never been more than a messenger who ran with copy between the gallery and the composing room, whose occupation had been cut short by the combination of telephone and typesetting machine. We have all heard of such fairy tales, and

yet this was a man of middle age, who, perhaps, believed what he said, and expected others to believe him.

A few days ago I was called upon to fill a gap in these proceedings and to make a preachment. I would rather not, I said, and begged to be excused. I then asked what time I might have and was told: ten minutes, with a leaning to mercy. Now a theme like mine cannot be properly handled in a time like that, and I once more begged to be excused; but to no avail. Again, to borrow a maxim from the *corpus juris* and the learned language of the law: *Necesse est quando diabolus urget*; which there is no need of converting into the modern tongue; to those who know no translation is needed, those who do not, have the books of reference in their libraries, and can look it up there. But all this time one stenographer loaded down with work at the summer adjournment packed up a few reams of white paper, a box of carbons, and a bundle of notes, and with his Remington sat down by the sea waves to make the transcripts that he had not time to do before. Since then he has been working somewhat every day, but always by daylight, and each descending sun viewed from his hands some pages neatly done. The learned members of the bar who yearned for transcripts have gradually been satisfied, and only a few cases remain to be brought into shape for consideration or appeal. But it is hard to keep at work in vacation time, when on one side the sea is calling to come and swim, or sail upon its surface; while in the rear, back from the bluff where the cottage stands, a hard, smooth road invites to take a spin upon the silent steed that needs not be tied, but only needs a little wind and oil to be in good condition and ready for service; or again, there are the woods in which to ramble and see some of the glories of nature, while the squirrels hop from branch to branch, and the birds fly around secure from harm, for there is not a gun in the grove, and the squirrels and robins know it. There are streams nearby in which to fish, and by those who know how the clam can be lured from his lair. It was an old-time deep-water sailor man who built the house, on a bluff overlooking the wild waves, so near that he might hear what they were saying; with a front porch whence he might behold the billows, and fancy himself once more on the deck of his own swift gliding craft, or tiring of this he could adjourn to the lawn behind the house and beneath the trees older than himself, out of sight of the sea, sit upon a bench, and with a pipe of tobacco imagine that he was truly rural.

Having thus disposed of a few preliminary heads of my discourse, I shall approach the consideration of the main subject with no little trepidation, but already I am warned of the flight of time, and, therefore, I must end before I had begun to ap-

proach my subject, but you will bear in mind that the sweetest melodies are those that the musician never commits to paper, he hears them indeed with his mental ear, but their realization in black and white is never to be; the most eloquent speech is never uttered, and the loveliest poem remains unwritten. We are ever striving for perfection but never reach it, our hopes never quite attain fruition, but the longest day and the hardest task must come to an end; then when the work is done we may rest.

Mr. CHERRY: Mr. President, I make the following motion: that a committee on resolutions be appointed on the death of Mr. Henry G. Smith, consisting of John P. Martin, S. C. Ormsby and S. C. Rodgers. [Carried.]

Mr. RODGERS: President Kelly proposes the name of Louis F. O'Neill, special term stenographer in our District, and I move its reference to the committee on admission of new members.

The PRESIDENT: If there is no objection it is so referred.

The next subject is the Licensing of Stenographers. This is a question in which we are all very deeply interested, and I know it will be very ably handled by Messrs. Ormsby and Cook. I present to you Mr. Sidney C. Ormsby.

THE LICENSING OF STENOGRAPHERS.

The first address under this title, by Sidney C. Ormsby, of New York, was as follows:

BEFORE proceeding with my paper, I wish to thank Mr. McLoughlin for his very gratifying and complimentary allusions to my work last night. If there were any question of compensation for the performance of what is the duty of all and has been shirked by but few, I should be more than compensated by the thought that in this work I have learned to better know Peter P. McLoughlin.

It may perhaps seem a little trite to discuss at a third convention the licensing of stenographers; and yet I feel that the importance of this subject amply apologizes for its repetition. My remarks will apply largely to the efforts of the joint committee appointed by this association and the Association of Law Reporters of New York city two years ago, which appeared before the legislature in January and February, 1889, and presented the bill to license stenographers.

When the term "licensing" is used in connection with this subject, of course it is understood to apply to that branch of the stenographic profession which devotes itself to law reporting, and briefly stated, the object of the bill was to extend to

the reporting of testimony out of court the safeguards which are now applied everywhere in the state to testimony taken in court. No one disputes the wisdom of a test to show that the stenographer is competent before he is permitted to report in court. Why should anyone oppose such a test to those who do the same work out of court? It would therefore seem hard to account for the failure of the effort to secure the licensing of stenographic law reporters in view of the well-known fact that about half of those competent to do such work already hold official positions and are now required to establish their competency before they can be appointed, were it not for the Trojan efforts of a few unrepresentative but, alas! controlling members of the honorable legal profession, who appeared before the legislative committee with their own licenses safely buttoned in their inside pockets and persuaded it that it would hurt the lawyer pecuniarily if the stenographer should be competent, and shown to be so, before receiving a license.

The chairman of the committee delivered the scathing comment on the very limited appeal for justice we were allowed to make, that there was too much licensing nowadays and that even the bricklayers would demand a license if the stenographers were not suppressed; but he appeared rather surprised when our committee took the bull by the horns and advanced the argument that the bricklayer had just as much right in a free country to apply for a license as a doctor, a lawyer, a school teacher or a plumber; that the state had itself instituted licensing and had conferred its benefits on various trades and professions and even on one-half of the branch of the stenographic profession we represented; and that either the system was a good one and other trades and professions had a right to its benefit, or it was a bad one and should be taken away from those who already enjoyed it to the exclusion of their fellow citizens. Want of time prevented our committee pointing out the strange incongruity of a member of the legal profession, who was himself licensed, attacking the licensing of the law reporter who works on the case with him, by whose work the lives, the liberty and the property of the citizen are affected, and the singular coincidence that no litigant (the person who pays the bill) opposed it, and that it was to his direct interest not to do so as he would pay no more for competent work than he was then obliged to pay for incompetent work by the persons who were seeking to defeat the bill.

However scant and cursory as our hearing proved, it was a beginning, which is what all improvements must have, and I am satisfied that it created a favorable impression on many who were not biased by supposed interest but were at first opposed to licensing stenographers. Such a fund of misinformation be-

clouded the minds of those we had to approach that it was evident that a good deal of work would have to be done before the result we wished could be attained, although the task is far from hopeless. I think the bill could possibly be shortened by half, and that it should provide that no stenographer could practice who had not passed at some time the civil service examinations for official reporters or held an official position, but that in such examinations the profession should be represented on the board of examiners by at least one stenographer of not less than fifteen years' experience. By making these concessions I think some of the gravest objections urged against the bill as presented could be removed and a better standard secured without giving our opponents a chance to amend the life out of the bill.

I cannot leave the subject of our experience with the two legislative committees without saying that in my humble opinion the individual who becomes a servant of the law should be debarred from making it, and that those who make the law should not be engaged in administering it in any capacity. The lawyer in this age is too much interested, favorably or adversely, in those who apply for legislation to be a perfectly fair dispenser of legislation, and it is an insult to the 8,000,000 people of this state to be met in an honest endeavor to raise the standard of a profession by the inquiry: How will this affect the lawyer when we consider that there are only 13,000 of them? "Upon what meat doth this, our Caesar, feed, that he hath grown so great?" The proper inquiry would have been: How will this affect the interests of the people of the state? How will it affect those who are dragged into litigation and have to pay the bills? Will they not be better served by competent work at the same price they are now compelled to pay for incompetent work? I make this comment not as a stenographer but as a citizen.

In conclusion, there are two things to be done. The first is to unite the profession in the demand for licensing. This has already to a large extent been accomplished although considerable remains to be done. The next is to keep hammering at the legislature until we get what we want, and not to be discouraged at one or two or even a dozen failures. We cannot expect to win converts to our views, or success by our efforts, without that persistent work which has been the price paid by other trades and professions for licensing; and certainly the prize is worth striving for and is in the interest of every stenographer, for what helps one helps all and there is an abundance of work for the competent.

Unfortunately, efforts were abandoned this year, partly on account of the failure of this association to appoint the com-

mittee voted for last summer and mainly because the city association, unaided, failed to raise sufficient funds to prosecute the fight; but I sincerely hope that some action will be taken now by this association to carry on the fight not only by approbation and cooperation but by contribution. We are all in substantial accord that licensing would be good for us, and if every stenographer interested in this state would contribute a few dollars to prosecute the legitimate work of education we could attain our object with very little expense to each individual.

"Therefore, my brethren, be ye strong and steadfast."

The second address upon this topic, was as follows:

Mr. Cook: Mr. President, I promised our chief program-maker that I would occupy about five minutes. You know how hard it is for me to speak for so long a time. I will therefore confine myself to two points:

1. Are stenographic law reporters, in general, entitled to a system of licensing?
2. Is there a prospect of obtaining it?

In the various discussions which have taken place on this subject, different crafts and professions have been enumerated, the practitioners of which are already licensed. But it is evident that in some callings a license system is more imperatively needed than in others, in order that the public may be protected. What are those callings in which there is such imperative necessity? Beyond question, they are those callings which particularly affect the life, liberty or property of the citizens of the state; and the unrestricted practice of which would be dangerous to the public welfare, especially where such calling involves the practice of arts, sciences, or crafts not commonly understood by the people. In this number are evidently included law, medicine, dentistry, pharmacy and various other professions; and there is no profession in the world which is more plainly included in the list than that of stenographic law reporting. It affects directly and constantly the life, liberty and property of the citizen; its science, methods and responsibilities are as little understood by the people at large, as those of any other profession; and the difficulties in the way of ensuring faithful and correct work are as great in this occupation as in any other. Additional specifications could, as you all know, easily be made, to justify these claims. The truth of the proposition, however, is so evident to any intelligent person, that further argument seems needless.

Now, in regard to the outlook. With respect to the past session, I must, for one, differ with my able friend, the preceding speaker. I think it was a happy circumstance that this subject was allowed to rest during the past winter. The coming

session I believe to be the one for action. A year ago we heard from Chicago that the association there could not apply for legislation during the session then about to follow, but would make application during this coming session. The national association is just getting into good shape for united work; the New England association, on our right, after some years of comparative quiet, has come forward with fresh vigor and renewed activity; and upon the other side of us, the Pennsylvania men have just formed a strong organization. With these combined agencies, ripe for united action, this session seems to be a most favorable time for making plain to the public the justice of our claim and for a new appeal to the legislators, all along the line, the first appeal, if necessary, to be followed by such persevering efforts as will sooner or later accomplish the desired and inevitable result.

Mr. SAMMIS moved that a committee be appointed to press, as far as possible, the work of securing legislation, and that said committee be empowered to confer or correspond with the committee of any other associations in or out of this state, with a view to obtaining legislation wherever it is possible. The motion was unanimously carried.

The PRESIDENT: The chair will appoint the committee later, of which Mr. Sammis is now made chairman.

Most of us have heretofore heard from Mr. Carroll on this subject, and would like to hear from him now.

Mr. EDWARD CARROLL, Jr.: Mr. President, I don't know that I have very much to add on this subject. My views were expressed with a good deal of definiteness and emphasis, I believe, in Albany, two years ago. Since that time I have been on the other side of the world, and down in Washington, which is almost as bad, and have really lost track of things, to some extent. But my sympathies are as keenly enlisted as ever in regard to the licensing of stenographers, and in the wisdom and justice of it, which I think none of you will doubt. I do not believe that the good work can ever be secured, so long as the personal interests of a class antagonistic in many respects to ours dominates the situation. I think that the interests of the whole people, and not a particular class, should be served. I think that the present arrangement tends to serve the interests of a class, and not the whole people, and that nothing but some official recognition of capacity, and the stigmatizing of incapacity, can conquer this evil. I believe that licensing is the only method by which that aim can be achieved.

The PRESIDENT: Mr. Carroll will now favor us with a paper detailing some of his experience in the Philippines.

SHORTHAND IN THE PHILIPPINES.

BY EDWARD CARROLL, JR., OF NEW YORK.

APPARENTLY there is no reason why shorthand written in the Philippines should be more interesting than shorthand written anywhere else; and the only reason I can imagine for your committee choosing this title for the paper I was asked to prepare is the fact that just at present the Philippines with "Sixteen to one" seems to divide public attention. Hence I will wait until the people have decided which is the more interesting, the Philippines or "Sixteen to one," before I will be able to decide whether to thank you, or take exception to this ante-birth title for my offspring.

Some years ago the late Thomas Allen Reed, the noted English shorthand writer, wrote a very entertaining brochure about his two trips to India, whither he went to report the Indian Monetary Congress. He tells about the short time in which he had to make preparations for these long trips, which forcibly calls to my mind the fact that on little more than two days' notice I started from New York to be absent for from eight to twelve months. It also emphasized a fact to which I had already given my assent, that the stenographer in general practice can never tell where he will be three days from a given time; and that we must make all our social engagements with reference to this uncertainty of abode. Previously my longest trips had been as far as Cincinnati, Savannah and Richmond, not to mention Baltimore, Washington, Philadelphia and Northampton, where I had gone to report conventions of one sort or another, and from which places I could always get home in two days. I was engaged, however, to go to Denver to report the congress of a society whose work I had been doing for many years, but my Philippine trip compelled me to cancel that engagement.

On Saturday afternoon, January 21, 1899, about 1.30, having somewhat reluctantly declined an invitation to go riding, a la tandem with a brother of mine, I was sitting in my office smoking, when a very agreeable gentleman stepped in and inquired for Mr. Carroll; I could not deny my identity, nor prove an alibi, and so acknowledged that I was the aforesaid Carroll. The gentleman in question was Mr. George W. Schurman, the brother of President Schurman of Cornell University and then recently appointed President of the United States Commission to the Philippine islands. Mr. Schurman handed me a telegram from his brother addressed to him, requesting him to engage, subject to President Schurman's approval, an expert stenographer possessed of literary ability—to this part of the indictment I plead "not guilty," but was overruled on the ground that

a reputable member of the New York bar, his partner, had employed me as a stenographer, some ten years before, had read the transcript of my shorthand notes, and had made affidavit that he considered me a skilled shorthand writer, and further that I had been guilty, as shown by advertisements in the daily press, and also by numerous book notices, (which I will say in parenthesis never cost me a cent, and I am persuaded to believe that my publisher never parted with any coin of the realm to procure them,) of writing a book, and further of having addressed a club up in Harlem, etc., wherefore my plea of "not guilty" was overruled; and strange as it may seem to you gentlemen accustomed to see the court protect the rights of the defendant, I was asked to produce witnesses to show that I was guilty of the crime alleged in the indictment and subject to be deported for the use of my country to the most distant of our possessions. The testimony of ex-minister to Spain Woodford and others was so convincing, that I changed my plea, and said that I was prepared to receive my sentence then and there.

Saturday night at eight o'clock I met President Schurman, and at ten minutes past eight had accepted the position of stenographer to the commission and agreed to start, on the tuesday night following, with the commission from New York. Sunday I devoted to breaking the news as gently as I could to my wife and bidding my friends good bye; monday I made my will, bought some more insurance, tried to collect some of the various debts we stenographers on the outside always have owing us, wrote out a statement of my affairs, dictated a couple of cases then on my books, and tuesday I made my final hasty preparations for my journey.

Tuesday evening at half-past seven the United States Commission to the Philippine Islands, or that portion of it consisting of President Schurman, Major Sawyer, our disbursing officer, Mr. Gannett, President Schurman's private secretary, Mr. Corbin, afterward assistant secretary of the commission, Mr. Leon Pepperman and I left the grand central station in New York on our way to Manila, via Montreal and the Canadian Pacific to Vancouver, thence to Yokohama, down the Japanese coast to Shanghai, China, thence to Hong Kong, from where we expected to take a man-of-war to Manila. En route, near Winnipeg, we were joined by Prof. Worcester, the junior member of the commission, and his secretary.

Crossing the continent I had my first experience in taking notes on a moving train. At first I was greatly annoyed by the jolting of the car, which played some wierd tricks with my notes. Later I discovered that by placing a pillow in my lap and my note book on that, neutralized the oscillation to such an extent that I could write fairly legible shorthand. I took and dictated

between three and four hundred folios from Montreal to Vancouver, so that I was fairly occupied.

In due time we reached Hong Kong without mishap. There we spent some ten days getting our outfits for the tropics. In that city I reported an interview between an eminent Filipino, one of the celebrated Hong Kong Junta, and one of our commissioners. In order that a record should be made of this conference, the interview was conducted in English through an interpreter, although the Filipino spoke English, imperfectly I believe, and our commissioner spoke Spanish imperfectly, I think. Sometimes he would forget all about me and lapse into Spanish, and then I followed that axiom so familiar to all of us, "When in doubt, leave it out." What with the dual languages, the strange names, etc., I did not find any urgent need of a graphophone when I came to dictate this interview.

We arrived in Manila about the fourth of March, Sunday, and of course our first business was to get quarters for ourselves. This accomplished we next got the offices of the commission situated in the Audiencia, a large building in the *Intra Muros* or walled city, in order. This building was formerly used by the Spaniards for their superior courts. Nearly all of the meetings of the commission were held in this building. These meetings were extremely informal, all of the commissioners questioning the witnesses, and each more or less supplementing each other's questions. The hour of meeting was generally at ten and the session continued until 12.30 or 1. Sometimes there were sessions in the afternoon, but not very often.

For some months prior to my appointment I had been reading a great deal in regard to the Philippines and imagined that I knew many of the names of the islands, towns, provinces, rivers, etc. I had learned them in the way I should pronounce them, and did not recognize them when I heard them spoken by the witnesses. The words of Spanish origin were comparatively easy, but a large proportion of the geographical names are of native origin and much more difficult. A few I recall, such as Agusan Aliminos, Babuyan Balabag, Balanan, Binanganan, Bayombong, Benguet, Bengued, Cabugaoan, Cagayan de Misamis, Camarines, Calimianes, Pampanga, Pangasinan, Pulo Caballo, Rio Grande de Cagayan, Tacloban, etc.

The English in the east also use many peculiar expressions, at least peculiar to the American ear, and have incorporated into their business vocabulary many Chinese and Japanese words, for instance "Hong" for house, "Bund" for chief street facing the bay or river. The Englishman calls a bonded warehouse "a licensed go down," a warehouse, "a go down."

The subjects which the commission investigated covered a very wide field, government, the natives' capacity, economics,

currency, Chinese, industrial development, agriculture, mineralogy, transportation, communication, postal routes, railroads, etc. Especial attention was given to the woods and the medicine-producing trees and herbs. Thank heaven they did not investigate chemistry.

The witnesses were principally English, Spaniards, natives, and one or two Germans, and quite a number of Chinese. The Germans, however, spoke English.

All but the English and Germans were examined through interpreters. Reporting matter of this character is generally very slow, and affords one of the few opportunities for a shorthand writer can write shorthand that may be read by another stenographer.

My notes were dictated whenever I had a suitable opportunity, generally between eight and ten in the morning, five and six in the afternoon, and eight and eleven at night, when it was necessary to work so much to get them out.

In regard to the testimony of the English speaking witnesses, who with very few exceptions were Englishmen, I would observe that the difference in pitch and emphasis, the grouping of words, the rising inflection, and utterance of words in what I may call waves of articulation, between the English and the American, added nothing to the ease of my work; especially if they, as not infrequently happened, should inject some Spanish into the midst of some answer, which toward the latter part of my stay I was generally able to record. I never before appreciated fully the advantage to the shorthand writer of the clear, loud, penetrating, incisive if disagreeable voices, of my countrymen as compared with the more melodious, better modulated, but less distinct voices of the English, although I must say one of the most difficult men I have ever reported was one of the commissioners, who lacking entirely the power of synthesis, generalization or condensation, spoke without emphasis, accent or inflection in the most rapid and annoying monotone I have ever heard. For instance, if he wished to ask: "What are the chief products of the Visayas?" he would put a question something like this "The other day Senor Alvarez told Col. Denby and me" (probably he would say "myself") "that copra, abaca, sugar cane, tobacco, rice, etc., are produced in large quantities in Leyte, Panay, Samar, Bohol, Mindoro," etc., naming perhaps half a dozen more islands, and stop right there without ever finishing his question at all.

Some of the testimony was extremely rapid and difficult, especially that relating to routes of transportation, involving the names of many towns, islands, rivers, bays, inlets, etc., which had to be written in shorthand as best one could; and when the transcript was dictated, the proposed route would have to be retraced on a large map in order to secure the proper spelling.

The most trying thing, however, was the climate, which was much too warm for comfortable note taking, despite the efforts of our punka cooley, a punka being an enormous swinging fan suspended from the ceiling. Many a time I have had to stop the proceedings merely to mop my face and wipe the water off my glasses, and many pages of my notes are if not tear, at least perspiration stained, the perspiration dropping on the fresh ink and causing some bad blurs. My notes were all dictated direct to the machine, five copies being made of each day's session.

I have said but little in regard to shorthand writers in the Philippines; first, because of lack of information, and second, because there are but a very few there. Some of the large shipping agents employ amanuenses; and soldiers were taken out of the army and required to act as stenographers in certain departments of the civil government and the courts. About the time of the establishment of courts, General Otis cabled to the United States for I think ten stenographers, capable of writing one hundred and fifty words per minute in English, and a like number in Spanish. I think he got but two.

In conclusion I would say that the Philippines are by no means an ideal place in which to write shorthand, or in which to dictate notes. It is, however, admirably suited to dream away life in and to recover one's nerves.

Mr. ROSE: As I am now obliged to leave for home, I wish to thank the Greater New York members for the pleasure afforded us during our visit, and to bid you all good-bye.

The PRESIDENT: The next number on the program is a paper to be read by our former secretary, Kendrick C. Hill, now the president of the National Association. Mr. Hill is a gentlemen for whom we have the greatest respect and love, and one who has labored earnestly, faithfully and well, and to whom, in a great measure, is due the success of our organization to-day. It gives me great pleasure to introduce to you Mr. Hill.

THE NATIONAL ASSOCIATION.

BY KENDRICK C. HILL, OF TRENTON, N. J.

THE paper which I have to read is this railroad time-table, on which I have made a few shorthand notes. I must confess, as I grow older, my pen is less glib. In olden times a great many people used to ask me how I got time to write so many letters and so much stuff for the magazines. As I get older and more involved in other interests, and further and further out of shorthand, I have less inclination to write shorthand and to write stuff. I did not have inclination to write this paper, but Mr. Ormsby wrote me and asked me to occupy ten minutes upon this subject.

I first want to congratulate this association upon its rapid rise from a former, I might say, decline. (I hope my friend Cook will not report this. It is not worth while. I would have written what I have to say, on the typewriter, if I had known he was to take it.)

The first meeting I attended of this association was in 1894, and ten members were present. We met in the basement; we had poor light. And now we meet over the tenth story. At the same time, while the outlook from here is beautiful, when we came up from that basement and looked north over the Highlands of the Hudson, and out over one of the most sublime views in nature in all the world, we were well compensated for going to the little meeting at West Point.

From 1894 until 1898, I believe, I was the secretary and treasurer of this association. I presume it is due to the friendships that I formed during those years that you have paid me the deference on this occasion of inviting me to address you upon a subject with regard to which I am inclined to think you are in more or less of an indifferent state.

As I have often said, I think the question of an opportune time enters largely into the presentation of any scheme or subject, and I do not know whether the opportune time has arrived, in my poor judgment, to seriously bring before you the subject of this national organization. I hear very little reference to it on your part, and such reference to it as you have made to me privately has been made along discouraging lines. I do remember that Mr. Rodgers said to me, when going down from Ontario Beach to Manitou, where we had that fine banquet several years ago, presented to us through the courtesy and kindness of Mr. Little and the Rochester contingent, that I would be a damphool, or something to that effect, if I accepted the chairmanship of the national organization committee, which shortly before had been tendered me by the convention held in Nashville. Doubtless that tender was made because of my more or less active spirit displayed in this association as its secretary and treasurer during several years intervening. But as the duty was imposed, after a meeting with Messrs. Tombo, Mason and Hefley, I accepted the task against my own will and inclination, solely as a duty—because, while I am not as smart as you all are, and feel my own limitations (very much so, after listening to the eloquent discourses that I have heard in this association during many years,) I accepted it as a duty imposed, and I will say that I have as much interest as you have in the elevation of the shorthand reporting profession, and in the promotion of its best interests in the United States. That is why I took the position, in spite of the fact that at the time state associations all along the line were on the decline, and to organize a national

association seemed like an effort to resurrect a lot of state shorthand associations. Ohio, after a dozen meetings, had gone out of existence. When they elected officers, Mr. Chestnutt was the last president. For two or three years they had no meetings. Indiana, after its sixth, had not had any meetings. Iowa, with Mr. Gaston and others, had gone out of existence with a record previously of nearly one hundred members. That was the story all over. It seemed like a hopeless task to undertake to organize a national association. From this convention at Nashville, Prof. Mason and Dr. Tombo brought very glowing accounts, and they were very much enthused over the prospect of organizing an association of this kind. Prof. Hefley and myself had been through the mill, maybe even more than they had, and we did not look upon it with favor. I remember spending the balance of the day with Prof. Hefley, and we were rather unfavorable toward the idea, but I accepted the tender with a good deal of doubt, perhaps even incredulity, just the same as you viewed the matter, perhaps. I presume the primary reason why I accepted the chairmanship of the organization committee, with power to appoint five stenographers from every state as a committee, was because they allowed me to carry out my own plans. But it seemed like a one-man scheme from the start. But I had an idea and a plan of my own about the formation of such an organization. That plan has been adopted. Along that line the Chicago convention last year paid the utmost deference to me. The plan was mine. If the plan is a good one, I am entitled to a little credit for the plan. I did some work in reference to it. Aside from that, others did a great deal of work; and in the formulation of a constitution, and putting the association upon a basis, they did a work that perhaps, with my limited ability, I could not have performed, if I had an hundred years in which to do it, and the credit is theirs. My plan was the organization of an association national in character, with affiliated state branches, and in states where a state branch could not be organized, what we call an individual or detached membership; so that reporters in states where they could not organize a branch with ten members or more could become individual members upon payment of five dollars a year dues, while an affiliated member pays only one dollar. This scheme met with favor, and upon that basis we organized.

I believe in the remarks I was to make here I was asked to state the objects and benefits of such an organization. That seems to be the feature upon which you are all in the dark. To me it is clearly light. I can answer that by only one question, and go no further into the subject. New York state has the leading shorthand reporters' association in the world. It has

existed twenty-five years, and you claim to have good reasons for continuing to exist. Along the line of the Demosthenian idea that every address (and this need not be classified as such, except by your courtesy in placing me on the program) should begin with an incontrovertible proposition, I will answer your question by asking you another. I would like to know why every state in this union has not the right to just as fine and good a shorthand reporters' association as you have. That was my idea in accepting this task and undertaking to help organize this national association. We may have a hundred ideas in mind of what we want to accomplish. I have but a few, and those which I deem important, as far as I work, I work along those lines, from one convention to another.

The first is—aside from the organization of a national association itself, and its work in its national scope (which is not very broad, perhaps)—the establishment, encouraging and fostering of state organizations. The national shorthand reporters' association has a secretary and treasurer who is the best secretary and treasurer that any shorthand association ever had—a man of great capability, of good executive ability, with the ability to devour work in huge quantities, without any more effort, perhaps, than breathing is to a sleeping child. Since three months after the Chicago convention he has relieved me almost entirely of the clerical work, and my time has been devoted principally to endeavoring to bring about the establishment of state organizations. As an instance of what we accomplished in that line, at our Put-in-Bay meeting last week we received applications for the affiliations of some thirteen state organizations. So that if we fail, and in the near future should pass out of existence and become a mere matter of the past, I shall still believe that all the trouble we have been to in organizing this national association, will have been fully compensated for in the interest we have aroused in various states, in their holding organization meetings and applying to us for affiliation. I am satisfied that throughout the country we have between forty and fifty reporters who are steadfast in their purpose, whose constancy and zeal are unquestioned, and who will stand by this movement to the end. They come from every quarter, and I feel sure that in spite of discouragements to contend with, they will overcome them, and that this association has come to stay. If you think otherwise, all we ask you to do is to wait and see. I am not inclined to coax people into anything, or to induce them to unduly advance their ideas ahead of the way they feel. They have simply to await the outcome of matters, and to do their own thinking and formulate their own opinions, as we go along. I am not here to unduly urge this association at this time to act in conjunction with us in further promoting the

interests of the national association. I am not going to do any coaxing along that line, but I am going to wait until you feel self-inclined to be interested in the matter.

As regards the objects of this organization, of course we have a number of objects, of which you have all heard. One is the licensing of stenographers. Some are opposed to that, and in this state, as the question has been raised in the past, they proffer the injunction that you would better not tickle the cow, because she might kick over the pail of milk, and you might find if you successfully legislated the licensing of stenographers, that some country legislators and lawyers might begin to figure on paring your fees, and so the suggestion has been made that it is better to "let well enough alone." But at the same time that question is bound to come up.

Another feature of the organization is the salaries paid to shorthand reporters. You are pretty well paid here in the Empire state, but if you should compile the statistics of the several states, as has Mr. Beale, covering a hundred pages of type-written matter, or if you should examine into things, as no doubt you *have* looked over the field, you would find that in some states official stenographers are paid penurious wages. In Kansas, for instance, the official stenographer receives \$750 per annum, and in other states in the same proportion. I hold to the theory, whether it is true or not, that in the course of time in those border states, if official work is not properly paid for, that instead of your being further advanced, they will put your salaries on a level with the others, and that it is worth your while, if you have an interest generally in the profession, to undertake to elevate the salaries in the border states to a level with yours, somewhat in consideration of what is their due, and out of regard and protection to yourselves.

Last year we did good work in that line in Kansas. Our vice-president, Mr. Gaston, went eight hundred miles, and he and Mr. Young, of our legislative committee, spent two weeks before the Kansas legislature and succeeded in having the salaries of official stenographers materially advanced, in spite of the Populistic legislators in those states. I think that is one good work that we have accomplished.

Furthermore, our feeling is that now we have stenographers not only in every office, but almost in every home, the expression "a stenographer" counts for little. In fact, you hear it remarked about this convention of representative reporters of New York state, that it is a "typewriter meeting"—that "the typewriters are holding a banquet in there." That is about the conception people have of what you are and of your position in the world, of your experience, of your ability, of your responsibility, and the importance of your daily work. And is it not

time there was an organized effort, either through an association or otherwise, if nothing else, to have some good men write articles for the newspapers, and pay for it, throughout the country, to give the public a better idea of what the shorthand reporting profession is, a more adequate notion of it, a better conception of it?

I remember reading the remarks of senator Teller upon the bill that we had in Congress last winter, which was a fair bill—we did not have anything to do with the presentation of it, but we had something to do with it afterwards; and in remarking upon that bill, which passed one of the houses, he said (as a former judge, too,) that stenographers were paid exorbitant salaries; that he had known of instances where official stenographers had been paid as high as ten dollars a day for “merely taking notes.” And upon the Congressional Record a matter of public print, sent broadcast throughout the country, stand those remarks made by an intelligent man, one who for years sat upon the bench and observed the work of an official stenographer of his court! I do not think that we can afford to have such opprobrium, such ignomy and contumely, if I may say it, heaped upon us, without taking exception, or speaking for ourselves.

You may say “Of what use is this organization?” When Ben Franklin invented something that seemed to be utterly useless, or was trying to defend something that seemed to be useless, and was asked of what use it was, he said: “Of what use is a new-born baby?” In response to the question you ask, “Of what use is this association?” I feel like using the same language.

One of the features of our Put-in-Bay convention was to further the work of the legislative committee along lines of legislation. Col. Demming, who is here present, was made chairman of the legislative committee of five to prosecute the work of introducing and securing the passage of a bill in Congress for having official stenographers in the circuit courts and district courts. And also in states we are making efforts to bring about legislation to further the interests of reporters, to have their salaries advanced, where they are poorly paid, etc. We made an appropriation of three hundred dollars for the coming year for that committee, which fund, as they see fit to wisely expend it in matters of legislation, will be furnished them by the secretary and treasurer, on approval of the executive council. We mean business along this line. We have formed, as far as possible, a practical organization. Our Put-in-Bay meeting, which was better attended even than our Chicago meeting, was in some particulars not as satisfactory as it might be, and I presume you feel that in some particulars this present meeting is not as

satisfactory as it might be. We are a lot of discontented, dissatisfied individuals, in this world, anyway. But still, some of us are not made of the stuff that is easily dismayed, just the same, and we know that battles are not fought by sleeping or sulking in tents, but by strife in the field; and I want you to know that we are in the field! We are not sleeping or sulking in our tents, but we are in the field to stay, and to bring about the successful organization of this national association.

There were some splendid suggestions offered at the Put-in-Bay convention which were not put into execution, but may be later. If Mr. Beale will allow me, I will touch upon one of them, to the extent of saying that there are certain public-spirited, philanthropically disposed persons—I say persons, because perhaps ladies as well as gentlemen—in this country, who feel that the time is ripe for making efforts to advance and promote the shorthand interests in America, and perhaps some who are willing to do it not only with their time and their labor, but with their money. And if we can, at some near time, we want to be recognized as good enough trustees or agents to act in that and other capacities to forward and promote the interests of the profession in the United States. That is another object of our establishment and continuance.

I do not know that I have anything more to say at the present time (I have talked, perhaps, more than ten minutes already,) except that we see, at the dawn of this new century, the wonderful progress that is being made along all lines, it matters not what, in matters of invention, such as the typewriter, the telephone and the telegraph, and the trend in other matters, such as the waning of superstition, and the alleviation of pain—all these things, wonderful things; and we also see that shorthand in the past fifty years has made marvelous progress. And while it is necessary to keep pace with the times, for all professions and almost all classes of men to pool their brains and their capital in the furtherance of their own interests, we seem to be lacking in that particular, and in a sort of sleepy and sluggish, disorganized, disinterested state.

While I am out of the practice of shorthand, still I have a sympathy for it, as you know, that will continue as long as my poor being does, and I do not belong to that class (and I know a few others who do not) that gives up the battle easily, and we propose to work and act for the interests of the profession generally. And our scheme is to do that through the National Shorthand Reporters' Association.

Dr. RUDOLF TOMBO: I have always been interested, from the very start, in the national movement. I was in Chicago seven years ago, at the World's Congress of Stenographers, where the idea of a national organization was conceived. I attended the

national meeting, where I read a paper on the advantages of national organization, and where the idea of national union assumed a more tangible form. I was again present last year at Chicago, where, as you have just heard, the national organization was definitely established. Last week I was present at Put-in-Bay, and was really very much pleased to learn what good progress the organization has made, and the success we have had, especially through the co-operation of the New England association, which was represented there for the first time.

I firmly believe that much greater benefit for the shorthand profession in general can be derived from a national association than from a state association, and I hope that you agree with me, and that sooner or later you will co-operate with us to attain this great end. I understand very well that you are such a great and influential state association that you can afford to stay outside of the national association, but I tell you we cannot afford to be without you. The sooner, the better. You are the missing link, and I am convinced that as soon as the New York state association has affiliated with the national association, we will form a chain that no power on earth will be able ever to shake. And so I wish you to join us as soon as possible.

Mr. MARTIN: Mr. President, I am very much interested in what has been said about this national association. I do not want to propose any hasty action on the matter, but I would move that a committee of three be appointed to investigate the matter, and to listen to the national people somewhat further, and to really look into the question and report at the next meeting of this association some definite plan as to whether we should affiliate or not. I do not mean to have the committee appointed with power, but to have a committee that will carefully look into the matter. I think it is worthy of very careful and serious consideration.

Mr. COOK: I second the motion, Mr. President, with a great deal of pleasure, as I fully believe in the movement.

The President appointed the following committee: John C. Martin, Sidney C. Ormsby and Peter P. McLoughlin.

The PRESIDENT: The hour for luncheon has so nearly arrived, I think we would better take a recess until 2 o'clock, and if there is no objection the recess will be taken.

Mr. HILL: I beg your pardon for intruding. I would say that our national convention contemplates meeting next year at Buffalo, at the time of the Pan-American Exposition, about which we have been hearing for the last two or three years, and all of us know of the generosity of the Buffalo people. For two or three years we have been planning to meet there in 1901. We would like to meet there the same week that this association

meets there, and have our meeting just before yours, so that while you may not come to ours in very great numbers, we will all stay over to yours, and we will make the New York state meeting the largest that they ever had. We have a thought that perhaps you might take up. Other state associations will also meet there. We had the idea of holding one session as a combined session, and of holding the banquet as one, and if we do we will have a larger banquet than was had last night at Brighton Beach, which was perhaps the largest this association ever had.

The PRESIDENT: We would like to consider those matters. I do not know that they are entirely feasible.

Mr. S. C. ORMSBY: Are you committed to any particular date?

Mr. HILL: We are not. The officers compose an executive council, in our association, which has full power to transact all business between the conventions. We think it is a very good plan. We have power to transact the business in the interim. We have power to name the place and time of meeting. Buffalo has not been named as the place, although the convention passed a resolution requesting us to consider it, but undoubtedly it will be named. We name any time and place we see fit, within four months of the convention. You may meet people from the south, from the west—everywhere—people of whom you have heard, and whom you would be delighted to meet—at least a couple of score of them with whom you would be very delighted to meet—gentlemen of your own class in every particular, as big and as great as you are; people who would like to attend a convention of the New York state association. They have heard of its name and fame, and have longed to go to its meetings, and next year they will have a good chance, if we can hold our convention the same week that you hold yours.

Mr. BEALE: Mr. President, I am intruding, too, but I want to say something in that line also. As you know, we have a little association of our own up in New England that we are very proud of, which is growing very rapidly. We have not quite caught up with the New Yorkers, but we are aiming that way. We are also intending to meet next year at Buffalo, with the idea of meeting at nearly the same time as the New York stenographers and the national association. Although I have no right to make any suggestion, still I will take the liberty of doing so, perhaps, with your permission, that we should like to appoint a committee to act in conjunction with a committee of your own association, and with the executive council, perhaps, of the national association, to consider the possibility of holding one general convention, at which possibly each association should have one day devoted to its own particular business—a general business meeting—and then that we should all combine

in one session of two or three days, as may seem fit, and combine all the programs, combine our banquet, and have a general love-feast of stenographers; in fact, have a congress of stenographers, on a small scale. And if it would not be out of place to suggest it, I would be very glad to have such a committee appointed, and to see them at our coming meeting, next month—to which, by the way, I want to invite every member of this association to be present. If this plan is favored, we shall be very glad to co-operate in any way possible with the New York association and the national association. Our constitution fortunately provides that we may hold our meetings at any time and place set by our executive committee, and that consequently will allow us to hold our meetings outside of New England. Although it would be contrary to any precedent, still I feel sure that if such an inducement as the meeting of the New York association and the national association conjointly were brought before our association, we would be very glad to co-operate and to meet with you, and in a way swell the general numbers; and, as Mr. Hill says of the national association, perhaps we can bring people there that you would be glad to meet—people that you have heard of, and who have certainly heard of you; people that will rank with as good stenographers as there are in the country, even if they *are* “down east Yankees.”

Mr. S. C. ORMSBY: Mr. President, it seems to me that would be an excellent idea, if it could be carried out. It would make a very successful meeting, and I should think in that way we could economize, perhaps, a little time, by having the three associations consolidate, and have the three days' meeting together, at which all the discussions and papers of importance could be had, and then possibly a fourth day devoted by each association to its separate meeting, to transact its own business. We could get it all in four days, then.

Mr. BEALE: Excellent idea.

Mr. S. C. ORMSBY: The business our association has to transact could be transacted in a morning or in an afternoon session. I do not know whether the other associations are situated as we are.

Mr. HILL: I would like to say that there is no trick in this, mind you. We are not undertaking any deceitful methods at all, nor any schemes to drag you in. There is not involved in that idea that we will get the New Yorkers in and deeply involved in the national association. Each one is distinct in itself, and there is no disturbance of the individual features. Our holding a joint session does not involve your affiliating with us any more than if you held a joint session with the stenographers of France. There is no scheme on foot at all. It is simply a

brotherly feeling and a professional desire to see if we can have a large meeting, a profitable meeting, and if these stenographers from the other parts of the country can have an opportunity to meet with you, and those of you who are inclined can come and see us for a session, and then to hold a joint session, perhaps. That is the idea we have in mind, and that only.

The PRESIDENT: The chair would be very happy to appoint a committee to consider the suggestions of Mr. Hill, if a motion to that effect were made.

Such motion was made by Mr. S. C. Ormsby, and seconded by Mr. Cook.

Col. DEMMING: I would suggest that if the Pennsylvania association meets at Buffalo next year, and I do not commit the association to that meeting, and if we hold a session for half a day by ourselves, during that time you can visit the Exposition, and not trouble us.

The PRESIDENT: The chair will appoint the committee later.

Before adjourning for the noon recess, I wish to urge upon all to visit the collection of exhibits so kindly brought here by Mr. Beale.

Motion to adjourn carried.

SECOND DAY, SECOND SESSION.

The PRESIDENT: First on the program this afternoon will be the reading of the paper entitled "Bigelow Papers," by that eminent stenographer and cultured and courteous gentleman, Mr. Timothy Bigelow, an official stenographer of the second judicial district, whom I now present to you.

"BIGELOW PAPERS."

BY TIMOTHY BIGELOW, OF BROOKLYN.

WHEN a somewhat pompous and prosy person asked Charles Lamb whether he had ever heard him preach, Lamb responded, "Why, I never heard you do anything else." Now, as no one ever heard me preach or otherwise discourse in public to any extent, the committee on topics was no doubt at a loss to assign me a subject, and so left me at liberty, taking chances as to whether it should be a song or a sermon—indulging the vain hope, perhaps, that it might be the former. No one however has ever heard of a poet of the name, except Hosea Bigelow, and I half suspect that he was a mere invention of Lowell who was a poet, and therefore had a license to invent. But there have been sermonizers and lawyers enough. You will please, therefore, not be offended if I yield to hereditary weak-

ness and attempt to improve the occasion by sowing some seed which I trust will not fall among stones, but light upon fertile soil and multiply say sixty or a hundred fold. The planter of ideas, at least, need fear no frost nor blight; the harvest is secure though it may be long delayed. That it may never enure to the benefit of the sower should not discourage that kind of farming. The notions I seek to inculcate have sprung up under natural surroundings—have been suggested by observation of the conditions of our work as shorthand writers, and of its limitations and possibilities.

We all know that from peculiarities of individual experience, from choice, we might say also from necessity, the stenography of one person differs from that of another, and that these differences increase with length of practice, so that the writing of almost every stenographer comes, at last, to present wide divergences from the author's forms, and contains signs that appeal with force and certainty and directness only to the eye of the writer. Each one gets to know his own abnormalities and peculiarities as no one else can. Of course, it follows that transcripts can only be made from his notes by himself or by some one trained in and conversant with his peculiarities. That kind of training is rare and exceptional, and it can never become the rule from the fact that it is harder to master a system plus any one's peculiarities than to master a system and develop one's own peculiarities. The easier course is also generally the more profitable, and for that reason is usually taken. A satisfactory transcript, therefore, is generally not to be made at all, except by the stenographer who took the original notes. He has the advantage also of having heard the matter treated of, and of carrying more or less of it in his memory. A further limitation of the possibility of making transcripts from another's notes is that the notes are unfortunately, not always taken under good conditions. You have heard or will hear something on that subject from Col. Hemstreet. The condition of having heard the original matter might, of course, be supplied by having the assistant listen to it, but this would amount to having two doing the work which one does now, and economy forbids that. The requirement of safety is not so great as to call for such an expenditure. It does not compare with the case of putting two men in the pilot house of a ferry-boat, so that one can take the place of the other, or both work together in case of need. There have been many cases, however, in which transcripts were required after the death or departure of the original taker of the notes, and where parties have been injured by inability to obtain them. Still, the feeling seems to be that it is better to endure that evil than to provide against it. How the injured parties feel about it is another question. That they have not been heard

from probably arises from the silence with which man usually submits to the inevitable. Despair is silent. Give hope and you will soon hear the voice of suggestion, and after that, voices of discussion.

Now, what is the voice of suggestion? It has of late years been heard in two or three utterances, one of which, I think, proceeded from myself. I am frank to say that I do not like the sound of my own voice in this matter as much as some of those which have followed, and I think I shall end by endorsing the suggestions of others rather than adhering to my own. It occurred to me that, as the law provides that notes shall be retained for two years after taking, and may then be destroyed, it was contemplated that all who had rights to transcripts would by that time have exercised those rights. But that period is not long enough. I had an application once for a transcript in a matter ten years old. I did not furnish it because I was judicially advised that, it being a divorce proceeding, and the party who sought it not having been a party thereto, or the attorney of either of the parties, it would not be proper to comply with the request. This seemed to me to be wrong, but it was impressed upon me by higher authority, and so I declined. In another case, six years had elapsed before the notes became important to anybody, and then they were needed in an action for libel against a newspaper which had reflected upon the conduct of the plaintiff as to matters involved in the suit in question, among other things. Very recently I had to transcribe the notes of a long and important case which was tried four years ago, and only the day before yesterday, a woman came in and got a transcript of notes five years old, which I could see she needed very much if her statement was true. Now, if the stenographer continues to take notes up to the day he discontinues his official functions, what is to become of such cases? The conditions which apply to him do not apply in any other branch of the civil service. The duty devolved upon one can always be performed by another, except in this case. The case is not like that of a clerk about whose duties there is no mystery, and if I may say so, no personal peculiarity of importance, and whose successor can, as a rule, go right on where he leaves off. To be sure, the law says the stenographer shall turn over his notes to be held by his successor with like effect as if taken by him. What "like effect" means in that relation it is hard to discover. It seems to be a case where the law-making power needs instruction, and, as good citizens, it should be our pleasure as well as our duty to give it all possible aid. An exceptional provision to meet an exceptional condition seemed to me to be the logical course, and I entertained that opinion up to the time the proposition to provide for a system of civil pensions like those provided for fire-

men and policemen was made in the last legislature. That bill, by its provisions, was intended to cover the whole civil service (including stenographers, of course) who, however, would constitute but a small proportion of those affected. The scheme seemed to me to offer advantages of an important kind, and to cover very effectually the situation to which I have referred as relating to stenographers. I had been opposed to the very idea of a pension in any department of the public service, unless the service required involved physical danger. In that case, the interest of the community is direct and tangible. When a fireman reaches a conflagration where property and life are in peril he needs to know that the community will do something for him or for his family if the hazards result in disabling him, and if he knows that, his courage and efficiency are increased. When the policeman faces the lawless elements of society, singly or in a mob, he needs the same assurance, and if he has it, the community gets better service—the very service indeed which it must have. So of the soldier. This is undeniable, and it is an honor to human nature that it should be so, an honor both to the community and to the servant.

The only argument akin to this that I can see in favor of civil pensions is that they are to be held as a sort of reserve compensation contingent upon faithful and efficient service—not to secure courage but honesty (which is a kind of courage perhaps)—and as an additional incentive to zeal and fidelity. To let a man feel that he is imperiling a substantial interest by negligence, inattention and dishonesty may be sufficient to deter him from those courses. On the other hand, to let him feel that he is securing an important advantage by doing right is a means also of assuring that he will do so. The interest of the community is not so much in the man who is going out as in the men who are in and whose service is probably long to continue. Is there anything here for the people to gain? If so, it is, of course, proper to consider how, and the rest becomes a matter of detail, to be discussed as various plans are proposed for legislation. That some treatment of it with regard to stenographers is proper, it seems to me, is apparent from the considerations submitted.

Mr. SAMMIS: Mr. President, I was not aware what the "Bigelow Papers" were going to contain, but they seem to open up a question upon which I would like to say a word. I think this association should appoint a committee of three to confer with the civil employees' association respecting a pension system.

Stenographers in the civil service are more interested in this than civil employes in general, and could with more justification urge such a bill because of their long, arduous and costly apprenticeship before they are competent for the responsibilities

of a court, and because of the time limit placed on their dexterous activity by nature. They are not a class appointed because of the possession of mere common sense, allied perhaps to partisan political utility, but they are specialists of trained skill and experience, for which they are selected and maintained without political favor or fear. By their peculiar employment they unfit themselves for other vocations, or for encounter and rivalry in general business. Having served out the term of their hands' suppleness they may be pushed out into the world to which they are unadapted, although their mental faculties may still be in their prime. To every stenographer in the public service such a crisis is sure to come, hence it behooves them to provide for it by a pension system founded upon simple justice. When men prosecute private vocations with the diligence and fidelity that official stenographers devote to theirs, they so build up their business that it will run itself, or at least with slight assistance, after their term of greatest strength and activity has passed.

Old age needs a sense of security to temper its natural dependency and fated infirmity. Against their day of retirement, whether forced or voluntary, official stenographers should provide by a slight tax upon themselves, aided perhaps by an allowance from the excise revenue and such other as the public in its careful sense of right may see fit to apply through its administrative officers.

Therefore, it is hereby moved that the president of this association shall immediately appoint a committee of three with power to confer with the civil employes' association and to frame a bill for the pensioning of civil employes of the state upon retirement after thirty years of service; and it is hereby ordered that two copies of such bill, if framed, shall be mailed by the secretary of this association to each member thereof with instructions to influence their respective legislative representatives to favor its passage.

Col. HEMSTREET seconded the resolution.

Mr. McLoughlin: I would like to inquire what it is that is proposed—whether it is simply a bill for pensioning stenographers, or generally the employes of the state.

Mr. SAMMIS: The resolution is to appoint a committee of three to confer with the civil employes' association with respect to a pension system.

Col. HEMSTREET: I understand that the civil employes' association has already prepared a bill. It is proper for us to confer with them, and after the bill has been prepared, this association should have copies for the members to give to their members of the legislature, and should otherwise work for it.

Mr. McLoughlin: It seems to me that it would be wiser, if

we are going to go into this matter, to look out for ourselves. We might with propriety present a good case to the legislature. Mr. Bigelow's paper is authority enough, I think, for our asking it, as is also the paper read year before last, I think. But if we join in with this civil employes' association, and they propose a general scheme of pensions for every department of the government, I believe it will create immense opposition. Now that is the point we ought to decide now—whether this is to be an effort to get pensions for deserving stenographers who have served thirty years in court, or whether we are going to lend this association to an effort that will, in my judgment, never be successful, viz: a general pensioning of all civil employes: because the impression among the average taxpayers is that we are well taken care of, and men in business houses do not get any pensions; and we will have a hard time of it. But I think we will have a good chance of success if we stand alone, and ask simply for someone to prepare a bill to pension stenographers.

Col. HEMSTREET: Mr. President, we want to be careful about this. Let us discuss it. It occurred to me that the civil employes of the state form a great political power, or perhaps a great political pool. The official stenographers of the state compose a very small body. It is perhaps true, as Mr. McLoughlin says, that it would be a more meritorious body, and would receive more respectful consideration by the legislature. But being so small, would it have any personal weight? It would have very few members of the legislature to appeal to directly as representatives. The question arises, would the old civil employes of the state, of all classes, who have been deemed worthy and good enough men to be in the service thirty years, not have an influence in bringing about the passage of such a bill?

Now, as to the merits of the civil employes generally, you will notice that this resolution calls for the pensioning of a man after thirty years of service. A man who has served in any branch of the service for thirty years is demonstrated to be a good man, and common justice of the state should provide for his future when he is either voluntarily set aside or forced out. Civil employes of the state are unfitted for other business. They become somewhat impaired in their powers, at times, and even oftener; they are not brought in contact with the professions and with business, and after thirty years of service they are as utterly unfitted as babes for any encounter with the business of the world. What shall they do? Their minds are preserved; their strength, in many cases, their ability, is preserved. but what shall they do? I think that the state and the legislature will consider that those men, having served thirty years, have been good servants, and should be provided for; because men

who have served faithfully in any private business thirty years will have built up that business so that it will run without the aid of the principal, in his youthful vigor and strength. We see it all around us, in all kinds of business. A man's business falls upon his sons or his partners, or is so systematized and arranged that custom will come to him until he is eighty years of age. Not so with the civil employe. When he is dismissed from his employment he is at sea, he is lost, and it is unjust that he should suffer in consequence of his faithful service.

Now, I will apply it to myself personally, and there are others in this room. I have served in my present position thirty-one years. I never asked for the position. I took it at first as an accommodation to a friend, a judge in straits. Gradually I lost my energy, and lost all my outside business, as gradually as our business increased. I am utterly incompetent to go out into the world and do anything. I would not be fit for anything more than a ticket-chopper or a toll-gate keeper. I think all my powers, except those of the hand, are just as vigorous as they ever were, and I believe they will remain vigorous for the next twenty years. But I believe I am getting a little rheumatism in those fingers, as is apparent in the swelling of the joints. What is to happen? Now, I use this as an object lesson for the rest of you. I say this resolution reminds you that the time is sure to come for every one of you when you will be forced aside, and in the very prime of your faculties. And if we can succeed better with our bill by coalescing with these other civil employes, that is for us to consider. If we are more likely to succeed by presenting a bill for ourselves only, that is to be considered. We leave it to the convention to think over.

The motion was unanimously carried.

The President appointed as a committee, Timothy Bigelow, William Hemstreet and Whitefield Sammis.

The President invited further discussion in regard to the national association.

Col. DENNING: Mr. President, I want to say a few words on this subject. It seems to me that we do not require any argument in regard to state organizations. We have had enough practical experience to demonstrate that state organizations are useful, and where we have had the best state organizations the stenographers are better off than in states where they have had no such organization. If we are going to have a national organization, it seems to me that it ought to be supported, and properly supported, by all the state organizations. And if I had my way I would go further. I would have a state organization made up of four classes: Class A, expert stenographers of the state; class B, the expert amanuenses of the state; class C, those

who are under instruction; and if we might go further, have class D, typewriter operators only.

I think I can convince some of you, if you require conviction, that this would be a good plan. First, we cannot prevent the existence of amanuensis stenographers; and I think it is a good policy where you cannot prevent anything to try and control it, or to regulate it. Now, if we had an organization—say a state organization—of this kind, we would have this advantage when we met: We could have three or four separate conventions, and we could secure railroad rates that we are not able to secure with such small gatherings as we have from our state organizations. I do not know how it is in New York, but in Pennsylvania the stenographers do not travel on passes as a rule. Then another advantage would be this: Many of our senators and representatives, not only in congress but in our state legislatures have shorthand amanuenses or typewriters. Now, if we had them in our organization, and could advise them in regard to this or that, they could now and then drop a word that would cause their employers to favor something that we want, and in that way I think we would succeed better than we are now succeeding. I might give other reasons why it would be well to have these divisions, or these classes, in an organization, but I throw this hint out for the present, that you may think of it, and perhaps come next year with the matter thoroughly digested. We are going to consider that subject in Pennsylvania. If an organization like the New York state organization endorses the national organization, and affiliates with it, and sends delegates to it, it makes the national organization that much stronger.

Unfortunately I have been selected as the chairman of the committee on legislation of the national association. It will become my duty to go to Washington, I suppose, in connection with the proposed law for the employment of stenographers in the U. S. courts—to have them employed officially. Now if I can go there as the chairman of the committee on legislation, and the committee can go with me, and we have the indorsement of such states as New York, how much more influence we will have when we go there than if we were to go alone and some member of the committee on judiciary should ask, "How about the New York state stenographers? They don't stand with you here." Our influence would not amount to nearly as much, as it would if we had the indorsement and the affiliation of the New York organization.

Then there is another matter to be looked at. Here is most likely the first legislation to be enacted by congress, on the employment of stenographers in the U. S. courts. If we can have the proper act passed how much it will benefit us in all states! But suppose congress passed a law providing a *per diem*

of five dollars. Do you not realize that in a very short time the law-makers of the state of New York would say, "How is it that we employ the stenographers in our courts at so much higher rates than they are employed in the U. S. courts?" The result would be a reduction of the compensation of stenographers. Whereas, if the first law enacted by congress is a proper law, how it will benefit the craft in all the states! I think that that is a matter to be considered by this association. I am satisfied that if you affiliate with the National organization you will have Pennsylvania at your side all the time and everywhere.

Mr. BEALE: Mr. President, I believe I am one of the committee from the National Association to attend your convention, so I suppose I can say a word, and I want to state, simply as a statement of what we have done in New England, that we in New England were the first association, I believe, to formally affiliate with the National family. We considered the matter very carefully, and we concluded that by giving the National Association our support we could strengthen ourselves. I see no reason yet to regret that action, and I simply want to say that I hope our example may not be entirely inappropriate for you to consider, and we would be very glad indeed to see the New York men under the same banner with the New England Association, Ohio, Indiana, Michigan, California, South Carolina, West Virginia, Pennsylvania and others.

The PRESIDENT: In this connection, pursuant to the resolution offered by Mr. Sidney C. Ormsby this morning, to appoint a committee to confer with the National and New England Associations relative to the meeting at Buffalo, the chair names the same committee as the committee on place of meeting.

The following paper was read by Mr. Loewenstein:

STATE SHORTHAND ASSOCIATIONS.

BY W. PHILIP STEINHAEUSER, OF ALLENTOWN, PA.

"**I**N union there is strength." This is an age of organization. State shorthand associations are valuable auxiliaries to the cause of shorthand writing. Fraternal intercourse among the adherents of our beautiful and fascinating art is one of vast importance and significance. The manifold benefits to be derived from fraternal associations are apparent to every phonographic scribe; consequently, to dwell upon them again would only be in the light of repetition.

In the absence of a national organization or supreme body, the stenographers of the various states formed themselves into individual state associations for the purpose of protecting their interests and to advance the cause of phonography in their sev-

eral localities. The earliest state association organized in America was the New York State Stenographers' Association, which came into existence August 18, 1876. This body is still in existence, and is in a very healthy condition. From the first its meetings were attended with success. Of all the state bodies in existence, or that have ever been in existence, that belonging to the Empire state has been the only one that has withstood the ravages of time, or that has been of the greatest good to the stenographic profession. Its twenty-five years of continuous life speak well for the men who have been at its helm from year to year.

Several months succeeding the birth of the New York Association, the Iowa brethren, recognizing the untold benefits to be derived from fraternal amalgamation, came together and formed the Iowa State Stenographers' Association. It is painful to relate, however, that after nearly six years of uninterrupted prosperity, this excellent body wavered on the brink of dissolution, and, finally in 1886, became a thing of the dead past.

Next in order came the brethren of the old Keystone state, who, encouraged by the success attending the New York Association, organized the Pennsylvania State Stenographers' Association in the fall of 1877. This organization started out under very favorable auspices, but, unfortunately, gave up the ghost a few years later, owing to the apathy of its members, who would have most benefited by it. On the 8th of August of the present year over fifty court and general stenographers of the state answered the call to revive the Pennsylvania Association, at Harrisburg, lead by that inimitable leader among stenographers, Col. Henry C. Demming. From information obtained through the channels of the press, the writer has been informed that a very successful meeting took place, amid enthusiasm galore. Thus it will be seen that the defunct Pennsylvania Association will again start out under very encouraging auspices, and it will not be very long before she will again take her place as one of the leading state bodies.

In 1883 we find the Colorado and Ohio states represented in the category of state associations. Very many important sessions were held. Both these associations soon ceased to exist, partly owing to the fact that their leaders moved into other jurisdictions. Vain efforts are being put forth at present to re-organize them on a higher plane of excellence.

In 1880 may be recorded the birth of the Kansas and Indiana Associations, respectively. Of the two, the latter was the most successful, holding meetings in various parts of the state, equal in value to those held by the New York Association. As a matter of history both of these organizations are to-day mere spots on the fair horizon of stenographic achievements.

The Missouri brethren answered the call to duty on May 10, 1890, the occasion being the organization of the Missouri State Stenographers' Association. This Association, after holding one or two sessions, has never been heard of since. The same year (1890) witnessed the birth of the Michigan Law Reporters' Association. As far as later reports show this excellent body is still in existence, and in a very healthy state.

The New England Shorthand Reporters' Association, comprising the New England states, was organized in 1890, but, after holding a number of important meetings, became defunct in 1894. To the credit of certain well-known reporters in Massachusetts, may it be said that in the spring of 1899, the Association was re-organized, on a more extended basis as reports show. This body promises to become a very active one.

There has been an urgent need of a strong and solid national organization, whereby concerted action might be rightly directed along practicable lines, for many years past. Since the organization of the National Shorthand Reporters' Association, during the Tennessee Centennial, at Nashville, in 1897, the various states have awakened to a realization of the grand possibilities of fraternity, and the following may be mentioned as having been instituted and in particularly good condition as state bodies: California, Illinois, Arkansas, Connecticut, South Carolina, Texas, Iowa and West Virginia. Under the provisions of the constitution of this National Association, the formation of affiliated state branches is encouraged and given special prominence. While the beginning of the National Shorthand Reporters' Association's existence is yet limited, its future is full of promise. What the universal association of old failed to accomplish, the National body as at present constituted bids fair to make up in value.

State shorthand associations have a grand mission to perform. Their field of usefulness is but partly explored. Among the many questions that should be solved by these organizations are those of harmful legislation; the supervision of the best interests of its followers; the maintenance of proper and justifiable compensation; the licensing of proficient court and other stenographers; the upbuilding of the profession generally; and the general cultivation of fraternal affection among the brotherhood stenographic.

A cursory perusal of the contents of the proceedings of the various state bodies evidences the fact that the whole history of the rise and progress of shorthand writing may be found therein; while the masterful and profound essays written by the scholars of our noble profession may be classed among the imperishable legacies of a common cause.

Mr. BEALE: May I correct one statement in the paper which

was read? The writer of the paper stated that the New England Association was defunct in 1894. As a matter of fact, it never has been defunct. It held its last regular annual meeting in 1896, but it held occasional meetings every year during the interval, until we re-organized, so that it has been in constant and to some extent active operation during its whole ten years' existence.

Note by Publication Committee.—The Iowa stenographers first met and organized "The Iowa Shorthand Association" three days preceding the call for the meeting of the New York State stenographers, which was held four days subsequently. The Iowa Association held, at least, two annual meetings, and finally succumbed, but subsequently revived in 1889 and survived at least seven years. Doubtless, Iowa was the primary State in forming a State Association. The Pennsylvania Association was organized in 1877, and reorganized in 1879. We have no information as to how long it existed. The Ohio Association survived from 1883 to 1892. California, (in 1879.) and South Carolina, (in 1887.) formed associations long prior and not subsequent to the Nashville meeting in 1897, as stated. The Nebraska Association was formed in 1879, and the Rhode Island Association in 1886. It would be serviceable to have the facts regarding the formation of associations in the various States correctly collated for convenient reference.

The following paper was read:

LIMITATIONS TO SHORTHAND WRITERS.

BY LEOPOLD WOODLE, OF NEW YORK.

ARE there any limitations to shorthand? Well, maybe a few.

There is one instance of the limited capacity at any rate of shorthand writers in which I may said to have been an incident fifteen or twenty years ago, that I believe I shall never forget. I was called upon by an attorney to report an investigation by an Albany appointed committee into some branch of business conducted by railroads; freight and passenger earnings, or something similar connected with freight and passenger business. I found in the examination room two other stenographers one of whom was Fred. Adams whom we all know, and whose capacity we know and respect, and I think the other was Mr. Oppenheim, but I am not clear as to that. The proceedings went along pretty much as such matters do, and presently there was called to the stand a Mr. Blanchard, who was then the vice-president of the Erie road. Mr. Blanchard didn't look to be anything different from any one else; but having come to the witness stand and having been duly sworn he turned about to the shorthand reporters and with a very friendly smile said "Now, gentlemen, you needn't attempt to get a verbatim report of what I will say; you can't do it." Now, that was comforting, wasn't it? But the man was right. We did scramble after him as best we knew how, but it was a stern chase and we never caught him. We got together after the trouble was over, compared notes and made the best synopsis we could of the testimony, and the transcript was

perhaps not unsatisfactory. But it was very far from being a verbatim report.

Well, fortunately, these instances of failure are rare—I mean with ourselves. As for our competitors—now it would hardly be fair, perhaps, to say what we think about them.

My apology for writing this paper and reading it to you is that one of these zealous workers running this convention had a strange notion that I could write an interesting paper, and therefore insisted that I should tell you what I knew about the limitations in our profession. Come to think of it, it never occurred to me before, that that might be a reflection on myself; picking me out as an instance of the limitation. But passing that by, I have undertaken slightly to modify the title and call this “limitations to shorthand writers” instead of “limitations of shorthand writers.” It is to be hoped that you will realize the distinction. But this is my excuse for troubling you with this introductory illustration.

It would not be difficult of course to present to you a catalogue of the physical difficulties under which we work, and which in a marked degree affect the results we produce. Such as, for instance, continuing an examination into the twilight hour, the attorneys insisting that the stenographer, though calling for a light, should go on for only a few questions more; until finally you are compelled to lay down your pencil and with equal force insist that the limit of capacity has been reached. Or in the reporting of say an expert ironworker’s testimony, or an engineer, civil, mining or electrical, you are expected to make an intelligent and at the same time verbatim report, when you are confronted with descriptions of what is found here, and what is there, and what from this point to that, and on this edge, and in this corner, and along this line, and in this opening, and across this space, and on this side, and on the other end, and the counsel does his level best to still further muddle the understanding; but the stenographer is no good if he does not make it all in his transcript as clear as A, B, C. Or you may be at a convention, of whatever character, and a speaker rises in a far away corner, and away you rush, pencil and book in hand, writing as you go, to find yourself near the speaker to be sure, but unable to be seated, and you scrawl on, standing, so that you may not reproach yourself with any neglect of effort; and barely do you feel half way comfortable there when an interrupter appears in another section of the hall, and away you trot in that direction; swinging to and fro; until another speaker goes to the platform and you go back to your table—to find your chair in use by some stupid fool who perhaps it is fair to say would not have taken it had he known better, but you are put to a controversy to get it back, while the proceedings are not suspended for your

benefit. Or you may fall upon a witness who if he were at home would shout at his wife and children loud enough to be heard five hundred feet away, but in the presence of the court cannot be heard a distance of five feet; the stenographer, however, being expected subsequently to fully reproduce what is in the mind of the witness if not upon his tongue. Or you are asked *only* to take notes of a conversation—full notes, to be sure—and to take them under such circumstances that one of the parties shall be ignorant of your service, and which of course will necessitate all manner of difficulties such as not even the best of us has yet been able to overcome, or even to contemplate with equanimity; and by the way, I will say parenthetically here that I have long since sought to discourage that kind of employment, and I do it by a means which generally at the same time has a tendency to make the expectant employer revise his opinion of the simplicity of the thing, by saying, "Yes, I can do that, but it will cost you one hundred dollars." Do I need to repeat the conversation that follows? No, you will not go far wrong in your own suppositions regarding it. Or you strike a witness who talks loud enough all right but who halts and breaks and contradicts himself—he is either a man unaccustomed to express himself with any degree of precision or he is an unaccomplished liar; yet although neither the counsel nor the court begin to comprehend what he says they confidently rely upon finding it all unmistakably clear in the transcript.

But when all is said and done, what greater limitation is there than the limitation of endurance by an intelligent stenographer of the antics of an ignorant member of the bar? The so-called lawyer who has half a dozen grammatical errors, and as many breaks and revisions in a single question, and which question is incomplete at that. The so-called lawyer who has a vague idea that the testimony to be elicited by a question is going to hurt him, and therefore objects to it as improper and inadmissible. Shades of Webster! What does he mean by "improper?" Shades of Blackstone! What does he mean by "inadmissible?" Inadmissible upon what ground? Inadmissible because it ought not to be admitted? Objectionable because it is—well, objectionable? And what would happen to the stenographer who omitted such senseless legal exhalations? The so-called lawyer who objects to the stenographer editing the record, but who would be grossly indignant did he find his objections where he made them, after the answer and not before it. The so-called lawyer who though he must have some time known the principles of the law, seems when he gets before the court never to have learned them. The so-called lawyer, obsequious enough to the court and friendly enough to his fellow practitioners, but who ceases to be even a gentleman when talking to or dealing with a stenog-

rapher. It is unnecessary to point out that one in our profession who reaches the top, or anywhere near it, must be possessed of a high order of intelligence and is often possessed of a superior education. So that I make no apology when I speak of these two classes as I have done, the intelligent stenographer and the ignorant member of the bar. And I repeat what greater limitation is there than the limitation of endurance by an intelligent stenographer of the antics of an ignorant member of the bar? I don't know of any. And so it seems to me when we undertake to catalogue the difficulties that constitute the limitations to the writing of shorthand, it is a good deal like assuming to say what physical ache is the most severe; it has always seemed to me that any one ache if continued long enough is as bad as another; when we undertake to catalogue these difficulties, the reporting of experts, writing in the dark, following the speakers at a convention, taking verbatim notes of an examination that you can't hear, making yourself invisible so that the presence of the reporter is not manifest, making sense of what is really nonsense—when you sum them all up you should not omit the being able to write at all and continue at work under the annoyances that may be caused by an ignorant member of the bar.

True sometimes it may be an overbearing rather than an ignorant member of the bar. I have in mind some years ago an instance of a reference I was reporting, a good case too, plenty of folios, good and prompt pay. But one of the attorneys, not of the ignorant class I have described, had other personal characteristics that were aggravating to the last degree. One afternoon we had proceeded something over two hours, and the aggravations, which had been continuous from the start, seemed to me to reach an intensity they had never reached before. I fumed along under them for some time until I felt that I had to stop. I threw my pen on the table, got up and said I couldn't stand it any longer and I was going home. It is fair to say that the result was not precisely what I expected. I looked for a protest. There was none. The other attorneys knew what the trouble was. The offender merely looked up, eyed me for a moment and then quietly said, "Well, I think it is time to adjourn."

One of the limitations I have spoken of is the absence of seeing accommodation. And is it not strange how some of the best educated are so little informed of the requirements of shorthand writers as to fail to realize the most important of them; really considering the stenographer an automaton who can accomplish equally good results in the dark as in the light. Mr Charles P. Young has privately told of an incident in his career, of being employed to report a scientific lecture, geological I think it was, and when the moment of operation came

found himself entirely in the dark. The lecture was embellished with stereopticon views and the lights for general illumination were turned off. Mr. Young made a brave attempt at reporting under those circumstances. His lines were written seldom straight, but mainly obliquely, sometimes running down and sometimes up, sometimes in snake form, sometimes like a corkscrew. He attempted a transcript, with what result I am not able to say. The lecture being about to be rendered a second time, upon that occasion Mr. Young got Mr. Frank Wood to accompany him. They both had the same experience that Mr. Young had enjoyed upon the first delivery. The stenographic characters were written in every conceivable way and in every possible style of imperfection. Together they succeeded in making a report; but how valuable it might have been if necessary to prove the actual language of the speaker is a very doubtful question indeed.

I had intended also to mention as a sad limitation of a shorthand writer the lack of money making qualities. But I am not quite so sure of that. In all lines of occupation there are those who get money and those who do not. If we in this line do not get it, or get what may seem very little, it is really because we are not so much money makers as professional workers; and we may be quite sure that as money getters we could not do any better in any other line.

Also, we do not seem to succeed as association makers. But perhaps that suggestion is true only of New York city; and perhaps elsewhere in the state success in this direction has been reached.

As for the inherent limitations of shorthand as a method of notation and perpetuation of spoken language, I have not yet given up the belief I have several times in past years expressed, that some machine will some day be invented that will overcome all the difficulties we have ever encountered and will know none of the limitations, or perhaps I should say very few of the limitations, that now make us to a considerable extent imperfect workers in this wonderful art. Mr. Haynes and Mr. Young both insist that they can to-day report a hearing solely by means of the phonograph. Although such an experiment, if successful, would at once impair the money value of our vocation, it would be of great interest to see it fairly tested. But while these gentlemen stand in our foremost ranks for ability and integrity I am a skeptic as to their story. I cannot see how you can hear every word said and at the same time and at the same speed repeat into the phonograph every word that you hear. No, I do not look for any assault in that precise direction. But as the phonograph represents the application of principles of sound writing to a degree marvelous of practical results, who is to say that im-

provements upon the application of those principles will not be made which shall make the present machine seem a clumsy toy beside the improved article? Already have the telephone transmitter and receiver been so improved that a mere whisper can be distinctly heard at the other end and at long distances. Are these improvements not possible to be combined to a degree and in a manner as to make a machine which may be a practical reporter? The application of intelligence to the machine, automatic or by human appliance, is a matter of detail which it seems to me is too feasible to be questioned. And I cannot, therefore, help thinking that the reporting machine is to be a practical apparatus of the future.

For the present, however, we jog along, good and bad, imperfect and less imperfect, finding plenty of fault with the limitations imposed upon us, and often forgetting to credit many of our own troubles to the serious inherent limitations, to our own shortcomings. I have no patience with the man to whom every situation he finds himself in is the worst he ever met, or the other man who shrinks at every proposition of strange employment. The one forgets that many of the difficulties exist only because of his own deficiencies; the other increases his deficiencies and his difficulties by his timidity. And we should none of us forget that while as a rule we are not money makers in the sense of rapid getters and accumulators of it, still the rates we get are rates of experts, away beyond the pay of salaried workers, and that our chief if not our only apology for demanding them is that we are such experts, whom no difficulties will arrest, and no limitations hinder, doing the best that possibly can be done.

THE PRESIDENT: Is there any discussion on the very able and interesting paper read by Mr. Woodle?

MR. REQUA: I have listened with a great deal of pleasure, as you all have, to the paper which has just been read in your hearing; and while it is exhaustive and comprehensive in everything which it has undertaken to treat, and which it has so ably treated, there is one important omission in it, it seems to me, and that is in regard to what you might fairly consider and designate as none other than a physical limitation.

Those of us who have been in our leading courts for years have been brought more and more, I think, to a realizing sense of the constant strain that is put upon them, and the utter lack of appreciation of that fact, and the increasing exaction accompanying it. Our courts do not sit, perhaps, as late as formerly, but they frequently sit irregularly. If counsel wish a case hurried through it is a very easy matter to persuade a court to sit a few additional hours. If the judge wants to take up another case it is just as easy for him to call it; and the hardest work

seems to be put upon the stenographer at the time when he is least able to bear it. I am not speaking a word for any man who cannot stand hard work. I do not think a man who cannot do it has any business there. I think the fact that he is there, and has been there for a long while, presupposes his ability to be there, and his daily discharge of his duties with fidelity and satisfaction to those concerned is the best evidence of his ability. But there is a limit to that ability, however. I know of an energetic judge who likes to dispatch business and sweep through a calendar with great rapidity. That is very commendable. It is a very good thing to get a calendar out of the way. Of course, I do not desire to criticise the way it is done. That is not my province. But in this case it was the last day of a long term. The judge in question sent for his lunch, had it brought into an adjoining room, and announced fifteen minutes for recess. He had time to get his lunch, and the jurors and those waiting for succeeding cases did not get a chance to get across the street and back, much less to order and eat their lunch. He sat until about eight o'clock that night, without any dinner at all, and then sent the jury out.

Now see the position of the stenographer in a case like that. He can say, "That is more than I can stand." But judges do not understand that sort of thing. They do not understand it is possible that a stenographer can have any limitations at all, mental, physical or otherwise. They simply seem to think, or rather I assume they would think—I do not think the question has ever been raised, for obvious reasons, which I will refer to in a second—that a stenographer can stand anything. If a stenographer should say, "I can't stand this sort of work," the judge might express regret, but he would add, "If you can't, there are many who can." Therefore we can see how the individual stenographer is not prepared to come forward with what might seem a personal objection to that line of procedure; but if the fact was taken into consideration by a representative organization, and it was understood that unreasonable things were exacted, and there was a general admission to that effect, or an expression of sentiment in that regard through the columns of the press, or otherwise, as a result of the deliberation of a convention of men who had given it consideration, and were not making it an individual personal instance, it would seem that it would carry weight, and I believe it would have great influence. I believe that these serious errors, if such they are, may often be committed by the court without giving it a single thought.

Now it does not hurt a man to overwork himself a little now and then. It does not hurt a first-class, thoroughbred horse to drive him at top speed, provided you give him a little rest at

intervals. You can drive him often at full speed if you rest him properly. But undertake to drive any horse at top speed all the while and he will break down. And you will even break down a machine unless you stop and oil it at suitable times. Therefore it seems rational, reasonable and in the line of common reason and experience, to give expression to the sentiments I have so feebly and inefficiently set forth, without any consideration, but with a firm conviction of the truth of them—that it might not be considered, when the point was raised, as a mere individual matter. A man on a long strain, beginning in October and running to the end of June, at high pressure, becomes, of course, as the season advances, a little tired, and then fatigued, and then greatly fatigued; and finally he feels that he can hardly toil through to the end. I venture to say it is the experience of the court officials in every district that as the year draws to a close the stenographer goes on by faith, sometimes hardly able to get through to the end of the year, or at least grateful that the end of the year affords a little respite. It would remove the necessity of the individual stenographer calling the attention of the court to these matters if there were some general expression of opinion as to what was rational and reasonable to expect of a first-class stenographer, in good condition, as to the reasonable limitations of his physical strength.

Col. HEMSTREET: Mr. President, right in line with the last remarks of brother Requa a resolution has already been framed. I was entirely unconscious that he was to speak on the subject. But a word or two before I resume my seat.

Now without criticising this association—being a new member, the baby member (I was only admitted yesterday,) I want to ask you what practical good you have ever done. I want to ask you, in all confidence and fraternity, if by anything you have ever done or published you have eased the onerous requirements referred to in the concluding remarks by Mr. Requa, some of which I spoke of yesterday. Has this association ever trained a judge or a lawyer in the way he should go? Have we not all, from the very modesty and deference Mr. Requa has spoken of, imposed upon ourselves unnatural burdens? For instance, in the criminal court where I am, if they wish to finish a case that night, they will get to running and chasing; and these court officers never move without the aid of a derrick, and neither the clerk nor the judge will think to call for a light; and I have run on without sufficient light until my eyes have bulged, and I have scarcely been able to see my notes, because I supposed that the men upstairs had better eyesight than myself, and I did not care to make myself a conspicuous exception. I have always had great admiration for the genius and wonderful powers of the stenographers upstairs. I have had glowing accounts of

them from the lawyers as to what they can do, and so I would report on, with an audience of 300 or 400 obnoxious people, friends of criminals, with insufficient light, uncultured lawyers, and foreign witnesses galore. A young lady testified in my court in regard to her record taken in a magistrate's court. She hit the centre; she "knocked the black out." I quote her. She said: "The judge and the lawyers and the witnesses were all hollering together." "Hollering" was a good term. You could not expect her to make a record out of that "hollering."

Now an expression by this association, formulated as a code of procedure of stenographers in the courts, promulgated to the bench and bar, would be listened to and respected. I know the judges of our district well enough to know that they pay great respect to requests of their stenographers, if the stenographers will make those requests. So I have drawn this resolution and I move its adoption, and if you pass it you will be applying yourselves to the remedy of those evils of which you are complaining.

RESOLVED, That a committee of three be appointed to consider and present to this association a code of rules for stenographic court practice; that said committee receive suggestions in full from each member of this association respecting such code, and from them formulate recommendations to be promulgated to the bench and bar, to the end that inconveniences complained of may be remedied, and stenographic service in court be ameliorated.

MR. McLOUGHLIN: MR. President, I do not see that its adoption is at all necessary. I do not believe that stenographers should suppress that humility that the gentleman seems to worry so much about. We have found (Mr. Rodgers and myself, and several others,) that the slightest request on the part of the stenographer is readily complied with by the judge. In the court where I have served, we do not stand in any terror of the judges. The relations are friendly, and intimate for that matter, and any request we make is always granted. I think we would appear ridiculous if we adopted a code of rules and handed it to the judges, presuming to dictate what hours they shall sit. At present the rule in the supreme court is a very satisfactory one to the stenographers, being from 10:30 to 1, with an hour for lunch, and then a session of two hours and a half. I think we are very well treated, and I do not believe the adoption of the resolution proposed would avail anything.

MR. WAT. L. ORMSBY: I quite agree with Mr. McLoughlin. I am one of the gentlemen to whom Mr. Hemstreet referred as "upstairs men." We have no difficulty in getting all the light we want. They have very kindly furnished us lamps for our desks, and he can have the same thing done in his court, no doubt, with very little trouble.

I want to say that I esteem it a great privilege that there is no such code of rules at present in existence. I think it is a great compliment to the stenographic profession that no such code of rules has been promulgated. I sincerely hope that nothing of the kind will be done.

Mr. MARTIN: Mr. President, I have always found that the celerity of movement of court officers is greatly aided if you bestow a cigar once in awhile.

Mr. RODGERS: Mr. President, I am opposed to the adoption of the resolution of our friend from Brooklyn. I take issue with him, too, upon the inference that our proceedings are read by no one outside of the association. I have seen to it that the judges in our district received them, and they are read because matters contained in them have been discussed with us by the judges. There is no difficulty, in my district, in having the judges accommodate the stenographer, and for the last few years the judges have rarely held a night session without asking the stenographer as to his ability to go on, stating that they would not hold, no matter how much the attorneys wished it, if the stenographer felt unable to go on. When I am so kindly considered, you may be assured that however I really feel I cheerfully say that I can go on, and I would do so even all night, regardless of any personal inconvenience.

Col. HEMSTREET: Mr. President, you have heard papers here, and complaints about your treatment. The last paper read was very vociferously applauded, undoubtedly, for its truth and for the hits it made, and for its correspondence with your experience. You applauded the remarks of Mr. Requa, and you applauded my fault-finding remarks yesterday. Now, did that mean anything? Have you anything to complain of? Perhaps a few of you are very fortunately situated. But this code of rules is not so much to dictate to the bench as it is to educate the bar at large. Suppose you should formulate a code of reasonable rules of stenographic practice, embracing all the little infelicities that we experience, and publish it in the newspapers. The lawyers would read that, and they would conform to those requirements, without recourse to the authority of the judge.

Now I come to this, and I will conclude. If you have been sincere in listening to these papers and these speeches that have complained of infelicities in court practice, you should do something to remedy the evils complained of. If you have not been sincere, or if, in common parlance, you have been "jollyng" the readers, then of course this resolution is unnecessary. I take it, (I do not expect to be successfully contradicted,) as I said yesterday, that the humility of stenographers in general is

a marked feature of the craft. The modesty and the suberviency of the craft, all along through the decades past, has produced abuses, not intentionally, perhaps, by either bench or bar, but by mere indifference and ignorance of the situation.

It only requires a body of men like this to express themselves about these irregularities that have grown up. I could mention them by scores. I never thought yesterday of talking about light or endurance. There are noises, and there are foreigners or hyphenated Americans, talking in every kind of language; there are imperfect interpreters; there are poor desks, and poor locations of desks. There are a great many references to stenographers as though all hands regarded them as supernatural beings. Now if there are these practical hindrances in the exercise of our art, let us remove them by at least formulating some sort of protest or expression, or code, if you please to give it such a dignified term, and publish it. It will redound to our practical benefit, and we will not have to go on suffering these annoyances that have been heard so eloquently portrayed in these papers.

Mr. McLOUGHLIN: I wish to suggest one point more. The stenographer, in my opinion, holds the position in court next to the judge. He is ahead of the clerk, and before the members of the bar—the man in the court who is most considered; and the positions we occupy are gentlemen's positions. I have always found it so, and it is the experience of many others. Now to start up and have ourselves removed I do not think would make our positions any better than they are. If we make rules perhaps the judges will make some rules that will restrict us in the enjoyment of our positions.

Mr. CAREY: It seems to me, Mr. President, there are two sides to this question. Our friend from Albany tells us that the judges never hold night sessions without consulting the stenographer. That is news to me. I never knew the judge to consult me!

Mr. RODGERS: You are unfortunate in the consideration your judges give you.

Mr. CAREY: The country men are "all right." Another thing, the short hours. The New York men have them, but the hours in Brooklyn are not always so short.

Mr. S. C. ORMSBY: I certainly have a great deal of sympathy with Col. Hemstreet's suggestions, and I do not see how it would do any harm for this association to formulate some suggestions—not rules, not trying to regulate the legal profession or dictate to the judges, but some suggestions as to what any stenographer is capable of doing, and to have those put in such form that they can be conveniently circulated around so

as to educate the people that we come in contact with, as to what the sentiment of the competent expert men of the profession is as to the possibilities of a stenographer. It need not be put in an offensive form. It can be put in a form that is merely a suggestion.

Mr. CAREY: I understand that, if a resolution is passed, we are not obliged to present it unless it is necessary, in any particular court.

Col. HEMSTREET: Pardon me one or two more remarks. Until within the term of the present judge under whom I am serving, these impositions have continued in my court for twenty-five years. While the stenographic force in the supreme court and the city court has doubled, and the population of the city has quadrupled, in the county court one judge did all the business and all the trying. Although that judge was very kind and very considerate of me throughout his whole term, he was a man of very great firmness of character and habit, and I never undertook to reason about these things until the new judge came to the court. No sooner did I represent to him these difficulties that were imposed upon a stenographer by inconsiderateness, than he immediately adopted all of my recommendations, and my services for that very reason became more valuable. The question of stopping counsel until exhibits are marked, the question of having good interpreters, and permitting no broken English, and other things, and in some instances the question of this hysterical speed, and of the over-lapping of witnesses, should be corrected. Well, now, if any of the rest are suffering evils, this is the way, as Mr. Requa has said, to give the matter the dignity of associated resolution; and if you have anything to complain of, now is the time to correct it.

Mr. WAT. L. ORMSBY: Mr. President, the appellate division, I think, are the proper ones to furnish any rules for the government of the supreme court, in which I serve. I should consider it a matter of impertinence to be concerned in formulating any rules to be submitted to my judges, and I earnestly oppose any such action now.

Mr. McLoughlin: I just want to make this additional suggestion. It seems to me that Col. Hemstreet, having given considerable time to his paper on "What a stenographer would do if he were judge," has got to the point of thinking that he is in fact a judge, instead of a stenographer.

Col. HEMSTREET: I withdraw a part of that. After the word "promulgated," I withdraw the words "to bench and bar."

The resolution was read.

Mr. SIDNEY C. ORMSBY: Might I suggest that I think it would remove a good deal of the difficulty that we seem to be laboring under, if you could substitute for the word "rules," "a code of suggestions." Don't put us in the position of trying to make rules for anybody.

Col. HEMSTREET: The words "rules" and "code" were put in at the suggestion of others.

Mr. MARTIN: Mr. President, I should suggest that it apply only to the county court of Brooklyn.

Col. HEMSTREET: Mr. President, out of self-respect I withdraw the resolution entirely.

Mr. COOK: Mr. President, I hope that Col. Hemstreet will not do that. I think that some of the suggestions referred to would be very valuable, if put in some such form as that indicated by Mr. Sidney Ormsby, and used by stenographers individually, by way of formulated suggestion, and not in any degree as an attempt to dictate to the bench or the bar. All the gentlemen who have spoken here to-day on this subject are men who have become used to these difficulties and learned to overcome them or adapt themselves to them. But there are a great number of new or comparatively inexperienced court stenographers, to whom such a compilation would be of untold advantage.

Mr. BIGELOW: The judges have already recognized some of these difficulties; for one thing, the counsel interrupting the answers of witnesses; and it seems to me that the spirit that they have manifested in the preparation of those rules of practice governing trials shows that they are disposed to accept suggestions when they are made in the proper spirit.

Now in place of the resolution which Col. Hemstreet has withdrawn, I would suggest that we take a leaf out of the book of our friend Rodgers, and act as an association as he has acted as an individual. I would offer this resolution in place of the resolution of Mr. Hemstreet:

Resolved, That copies of the proceedings of this meeting be sent by the secretary to each of the judges of the courts of record throughout the state, as soon as prepared.

The proceedings of this meeting are abundant in suggestions, and no doubt will be perused with interest and will be given due and proper weight by the judges, so far as they see that the suggestions are likely to be useful.

The motion was carried.

The name of Edward Carroll, Jr., was proposed for membership. Referred.

The PRESIDENT: The next number on the program is "Olla

Podrida," which means, according to Mr. McLoughlin's translation, "Irish Stew." Its sponsor is Mr. John B. Carey, and I am confident that after listening to it you will be glad to say in the words of Ben Jonson, "I was at an *olla podrida* of his making."

OLLA PODRIDA.

BY JOHN B. CAREY OF BROOKLYN.

MR. CHAIRMAN AND GENTLEMEN: This is the second time I have had the luck or misfortune to face an audience. Once before I spoke for two solid hours to wearied listeners; then, I was encouraged and egged on by the belief that I had something to say; before concluding I was discouraged and nearly egged off by those of a different opinion. Nothing saved me from the latter but the inactivity of unknown and unnumbered hens. I remember when putting in my very best licks on that occasion at the last there was one and only one listener. He was the janitor of the building. One hand on the tip of the last burning gas jet, with the other he jingled a bunch of keys as he glared at the speaker. High sounding adjectives, glowing periods and defiance were hurled at him despite his savage demeanor. I think I spoke of magna charta, the bulwark of our liberty, the star spangled banner, the brotherhood of man, etc. It was all useless and I had to cut it short or get "chucked." I was not chuckled.

I afterwards cornered one of the listeners, asking in confidence how he liked it and why he did not wait for the peroration. He said, "To tell you the truth we were too much distressed about your hands to pay much attention to the discourse—they were so dreadfully in the way. We were all very much troubled." "How?" "Why," he replied, "you put them behind your back, then in your pockets, under your shoulders, made the Gough motion, washed them with Hood's imperceptible soap, then threw them in front of you and stuck the thumb of one hand through your coat buttonhole like the O'Connell witness when he swore in answer to the Tribune as he warbled it complacently "Upon my soul, it's through." In passing I may say that was, as you all know, the celebrated Irish case where the reverse order prevailed—the man died and made a will. A previous one was unsatisfactory to some of the survivors. One of the interested heirs put a pen in the stiff hand of the testator and guided it to a signature on a more suitable document. Another of the cute ones placed a live fly in the dead man's mouth, and a whole shoal of witnesses went into court and solemnly swore that when the testator signed the will "there was life in him!"

According to my friend, that was one of the motions I made with my unfortunate hands. "In fact," he went on, "you made about every motion except the one which history tells us a certain bishop made to a sporting curate who was complained of by his staid parishioners as driving a fast tandem team. When taken to task the curate insisted that driving a tandem team was no different from driving two horses abreast. The good old bishop, with a twinkle in his eye, illustrated with his hands, saying, 'There is a difference; when you put your hands together *so* it is an attitude of prayer, but when you put your hands with the thumb of one touching the little finger of the other, it is not an attitude of devotion but something else,' (as you can understand by this illustration.) 'That,' said my friend, 'was the only motion you missed, and had you made it I think it would have been seconded by the entire audience. It was so dreadful that I wish to make one request which I hope you will heed; that is, should you ever undertake to address an audience again, promise me that you will first cut off your hands.' I did not believe it was quite as bad as that, but said I would think it over. I have been thinking it over ever since, and have concluded to deny the motion and let an exception be entered. If I parted with these hands I might not get better ones. Having trusted them and allowed them to handle my money for some time, I am not going to part with them now, even to please you. With a man like Carnegie, having fifteen thousand hands on his pay-roll, parting with a hand or two is not very serious. But, if I parted with my two it might be an inconvenience; so, even at the risk of your displeasure I will retain my hands, hoping that I may be able to keep my head.

Having had no time to prepare an article on any subject that would interest you, some of my confreres were good enough to write papers for me which they forgot to sign. Brother Ormsby, I think, wrote one. As his writing machine was not in order it comes to me in his own handwriting. It looks like "Gabelsberger," but as no one can read it, not even the writer, you will not have the pleasure of hearing it. I have here a short paper with a fruity odor, perhaps it's Cherry's or Appell's, which purports to give religious advice to stenographers. I am convinced the writer is an assiduous student of the bible, and knows how to collate religious aphorisms—knit, I think it is called or "nit." He says: "Open the remarks with a verse from the bible; tell them to watch and pray—watch that they have folios enough charged for, and prey on the lawyers and the clients. Remember the golden rule, 'Do others as they would do you if they had a chance,' and also St. Paul's advice to help bear a neighbor's burden. If he has too much money, or even too much stationery, relieve him of the burden; close with a sock-

dolager." You can understand the profound religious training of the writer when he uses the word "sockdolager" for "doxology." I decline to read it further. I am ashamed of the writer, and if I could, I would point him out after the style of the clergyman who said, "If the lady wearing the black hat with the red feather in it, sitting in the third pew of the middle aisle, does not stop whispering, I will point her out to the congregation."

I begin to feel that I am a sort of public sewer. I have here still another paper, able, but unsigned. It seems filled with dreary platitudes interspersed with a few dreary Crokerisms and begins with the remark which you may have heard: "In union there is strength." The walking delegate of the Amalgamated Hod Carriers' Association can stop the construction of a skyscraper in mid-air by a nod, at the behest of his union. We know that the entire railroad traffic of this great country from the silvery sands of Coney Island to the golden shores of California was checked by the united action of the brotherhood of locomotive engineers. We know that any real or even attempted grievance sought to be perpetrated upon the humblest trade unionist will be promptly redressed when there is strength in the union. This being so, what shall we say of the organization which took front rank under a president who went at things red-headed. To him we say, "Peter, on this rock we have founded our organization, and standing together nothing can prevail against us." Think if you can, of a snubbed scribbler at the desk pocketing his pencils, and leaving judge and lawyers to take minutes of a trial as they were taken before the era of stenographers; concerning which Clinton says: "Trials that now would consume not more than a day were then (1845) a week long or more. The judge who presided at the trial and counsel on each side wrote out in longhand, full notes of the evidence. The taking of testimony was a slow process. Any one could require a witness to wait until he caught up with him! In writing down his evidence it seemed sometimes that the object of a cross-examination was defeated, as the witness had a chance to change his evidence before it was written down. There would be frequent discussion as to what the witness said, and from such discussions the witness would be able to perceive which version of his evidence would best subserve the side on which he testified. When the discussions ended it would be left to the witness to state what he actually said."

Imagine such a condition in these days of progress to be faced by lawyers and litigants. Imagine an irate judge sending out for another stenographer and being informed that as no competent man could be found, all being members of the state association,—his only recourse was to struggle as described, or sur

render on terms dictated by Kelly or our own Pete. Can you not see the advantage of such a union?

Let us go a step further. Suppose the leaders of the two great political parties nominate for a judicial office that well-known lawyer, John Jones. Jones is obnoxious, and we think Brown preferable. A committee of one, representing this association, goes to the leaders. He calls on Tom first and sends up his name. Tom is engaged and cannot be disturbed. The delegate tells the bell-boy he represents this organization, and notifies Tom to come down p. d. q. Well, Tom comes stretching his neck and rubbing his hands with extreme obsequious politeness, greeting our delegate, "Oh, my dear young friend, what can I do for you?" Our representative blows a whiff of smoke in Tom's face saying, "See here! You fellows have put up Jones or endorsed him for judge." Tom says, "Yes, a good man and very popular." Our representative replies, "He won't do. We are against him and will beat him." Tom says, "He is the nominee of both parties." "Well, we do not care for that,—will give you five minutes to withdraw him or take the consequences." "Oh! dear me, dear me," says the leader, what shall I do? I will have to see Dick." "You have wasted one minute of the five," our delegate responds, "and you had better get him promptly. Your time is nearly up."

In response to special messenger the other leader comes post-haste—his hat over his eyes and a cigar between his teeth. To him Tom states the case. Dick turns savagely to our representative, "What the David B. Hill do youse fellers want? The earth?" "Well, no," replies the delegate, "not all; we are willing to give you and Tom Barren island, Weehawken and a part of Newtown creek, but you know we control the rest of it. There are just three combinations worth anything,—the Free and Accepted Masons, the Roman Catholic Church and the Stenographers' Association, and I represent the stronger one. Have wasted nearly three minutes on you now, and you must withdraw Jones and nominate Brown. I am holding the watch. Act promptly, or, a plague on both your houses."

After a short conference the leaders approach our representative and extol the good qualities of their candidate, as a learned gentleman, a good citizen, an eminent lawyer, etc. Our representative concedes all that, but adds, "The trouble is, he speaks three hundred and sixty-five words a minute and we stenographers won't have him," and leaves the frightened leaders with a curt "Good day." Of course, in next morning's papers appears a card from Jones that owing to the severe illness of his wife who requires a change of climate he refuses to allow his name to be considered in connection with the high office for which he

had been nominated and endorsed by all political parties, and regrets exceedingly, etc., etc. See?

Besides the social feature in the annual reunion of members of such an organization, the writer of this paper refers to the benefits of getting together as innumerable and incalculable. As that point has been much better treated in some of the preceding papers I will pass it. He also advises young persons to acquire a knowledge of stenography as a stepping-stone to something better, suggesting that there is plenty of material to practice on; that the country is full of glib men and plenty of words, such as they are, to practice on; lawyers sometimes die, but the crop is fairly good. The examiners are turning out glib and ready talkers at a fair rate.

Baker's son, shoemaker's son,
And a son of a gamboller,
Gentleman's son, and the son of a gun,
Are all assembled here;
They go before the examiners and pass just in a walk,
And then they hurry into Court and *talk! talk! talk!*

Am I to consider by your applause, (which it is not customary to indicate upon the printed record,) that another verse of this is looked for? Such an "absent minded beggar," I really forgot who wrote it, but will see. This book I hold in my hand is "Poems of Passion" by Ella Wheeler Wilcox; it is not here. The next one is, "Poems of Mrs. Gemans," edition of 1842, page 6970. It gives only the verse which I have read, but I find this foot-note by the publishers: "The gifted authoress wrote but one verse of this beautiful poem. She died in her bed. Had she written a second verse she would doubtless have been murdered in cold blood." That settles the whole question. Nothing like having an authority at hand.

The writer of this paper concludes by relating an experience on a notable occasion when he was sent with a descriptive writer to report a noted clergyman, now dead, who on account of the extreme rapidity of his utterance was called "The terror of stenographers." The place was Cooper Institute, and the order was for a strictly verbatim report. "The descriptive writer who accompanied me," he adds, "looked on me as an architect looks on a mortar mixer—with profound disdain. He was a scholar fresh from college; I a mechanic not long out of the shop. Having arrived at the hall, I sharpened my pencils, assuming a coolness and bravado far from my real feelings. I became deathly sick as the descriptive writer spoke of the speed of the unreportable terror, and I saw about me many stenographers whom I knew to be much more efficient than myself. I hoped something would happen to prevent the speaker's appearance, being indifferent what—wished he might break a leg; that his wife

might fall out of the window; that he would be run over; any little thing,—I was not particular. Fate was against me. The reverend gentleman came on the stage promptly with others. I felt my heart sink under the chaffing and supercilious smirks of the young descriptive writer, but nerved myself to do the best, trusting in an Omnipotent Lord, or some other power, to pull me through. Where my folks came from there is a saying, not strictly orthodox, but comforting and with a turn of good politics in it—an effort to stand well with both sides of the house—it is, ‘God is good and the devil himself is not a bad sort of a fellow.’ The descriptive writer laid back, gracefully twirling his moustache as he ogled the ladies near him and occasionally glanced at me to see how the Terror would vanquish me. The reverend terror began, and you can imagine a pause of several seconds between each word, or between the syllables of each word. ‘My-dear-friends-I-am-exceedingly-pleased-to-see-you-all-here-in-such-goodly-numbers,—I-may-say-that-your-presence-here-this-evening-despite-the-inclemency-of-the-weather-encourages-us-to-believe-that-your-heart-is-in-the-good-work.’”

“‘Gosh’—said the descriptive writer, ‘I could take this in long hand. How do you like it?’

‘Oh,’ I said, ‘this is pie for me.’ The speaker continued, at this slow rate, for five or ten minutes. He was getting his wind. Then he began, increasing by jumps and strides, and soon reached a speed almost to inarticulation. I cannot describe it. I started, broke, and despite utmost effort had the feeling we often have of a man sentenced to death, or drowning—falling behind overwhelmed in the rush of words. You first get it in the back of the head, then you feel it in the soles of the feet; it breaks out in sweat upon your wrists; the floor rises and everything is blurred. You hope there will be a panic among the audience, or a cry of fire, that the speaker will fall in a fit of apoplexy—you haven’t time yourself. Well, he continued that break-neck speed, every minute seeming an hour to the one floundering in confusion far behind. Suddenly there was a break, a commotion back of the stage. Other belated prominent clergymen advanced to the front and were greeted by the audience enthusiastically. The Terror ceased talking as one of the new-comers came forward and acknowledged the reception his entrance evoked. While wiping the sweat from my wrists and waiting for the floor to settle, the young descriptive writer with another smirk said, ‘How are you enjoying your pie?’ This was too much like washing with brine the streaming welts, and there was but one answer. It cost me ten dollars. Unprovoked assault, the judge said, and he convicted me without leaving his seat. But never were ten dollars better spent.”

I now come to what I trust is the last paper—I will say the latest, to give belated ones a chance. It seems to be pretty long, but if you can stand it I will hurry through. If not Blackstone or Coke, it must be old King Cole or some other miner, besides Enoch N. who defines a court as a place where-in-justice is administered according to due forms of law. Just where the pause comes is important, and the stenographer reporting this sentence may be as much at sea as the one taking down a speech at a late ward meeting where the speaker said, "I regret exceedingly these uncalled for attacks upon the mayor of our city, for I think he is a nice man," and then he warned the reporter to be careful of his spelling, and said he would be wrong in any event.

So, speaking of a court as a place where-in-justice is administered, it behooves the stenographer to be vigilant, for it is difficult to note an inflection or gap. I never entered any speed contest, but I could report about 375 gaps a minute without much effort, and read the gaps back.

While brief, the excerpt requires careful, deliberate pronunciation, and, says the authority, "The meaning may depend on the disposition of the one called upon to administer that great attribute of God, the intangible thing called Justice." The authority continues, "I trust one may not be committed for venturing to suggest that while Truth is mighty and Justice often prevails, possibly it sometimes depends on the Justice of the court as well as on the justice of the case. The saying, "Judge not that ye be not judged," having no application, for one must decide when the honor is thrust upon him. Therefore, if an incarcerated toper write on the wall of the cell, "Jug not, that you be not jugged," it may not mean that you cannot in moderation juggle with the jug.

The writer continues: "The most conscientious, certainly most useful judicial officer, is the one oftenest reversed, and for this reason: He decides the case on its merits according to the light the Lord gave him, and not on what he thinks somebody else is going to think. If every man is to be judged according to his light, it follows that if the time comes when he is to be the judge his own light should guide him. Again, an independent manly decision may perhaps serve to advise or even sway the higher tribunal. In any event, that tribunal is entitled to it. He who always follows precedent with servile assiduity is at best a mere mocking bird, thinking by proxy, he fails to exercise his own will, but decides an issue, guided by what he thinks others may think. If two heads are better than one, surely an independent brainy head added to five, seven or eleven cannot be hurtful, when, as sometimes happens, the question is so evenly balanced that the most learned, honest man might de-

cide either way and be conscientiously justified, although probably forever dissatisfied with himself."

The extract goes on: "There are courts where-in-justice is administered in accordance with forms which may not seem always satisfactory to litigants." Strangely enough, every citizen of this country is supposed to know the law; yet, lawyers who have made it a life study differ about it often, and we know as a fact that the higher courts are composed of an odd number so that when the split comes, which often follows, the odds have it. Those of you who have become gray in the service know something of the peculiarities or the idiosyncrasies of men you have worked under. They differ in method as in appearance. The rule is, in essential, unity; in non-essential, personality; in all things, justice. While you would not go so far as to say that one man's meat is another man's poison, we know that men differ in manner as they do in feature. But, after all, the disposition of a man is what counts. We care not what church he goes to or what ticket he votes, if he is of the calm, placid, judicial kind, affable to all, stalwart for justice's sake, who will strain a point to give jaded workers a show in the turmoil and hustle, we all think well of him.

As all know, there are some exceedingly clever magistrates in the lower courts. A short time ago two women were arraigned before one of them on a charge of vagrancy; with them a child used as a capper. Surmising that the mother of the child would not be locked up, both prisoners were filled with maternal solicitude, each claiming it. It was the judge's chance to out-Herod Solomon, and someone suggested the wise man and the sword. The police justice, sharp and practical, placed the child in the care of the Gerry society and promptly sent both females to the institution known as the penitentiary, commonly called here the "Pen." I was surprised at this disposition and mentioned Solomon and the sword. "Oh," said the Magistrate, "T'l with Solomon; my experience is the pen is mightier than the sword; so I sent them to Crow Hill."

In another court there was a litigation over the ownership of some carrier pigeons of a valuable breed, the ownership being stoutly maintained by two rival fanciers. Having heard the adverse claims made by each side the civil justice suggested that the pigeons would settle the question of ownership, for if allowed to leave the box in the court room, they would as matter of course fly to the cote of the rightful owner. To this apparently wise suggestion the parties agreed. The valuable birds liberated have never been heard of since by either claimant! The latest information is that the litigants have put their heads together to institute a suit against the magistrate who made their riches take wings and fly away.

This reminds one of the reply made to the Sunday school teacher when she asked what kind of riches was meant when we say, "Riches take wings to themselves and fly away," to which the smart boy replied "Ostriches."

The excerpt continues: "If there be a place where-in-justice is administered it may be due to an implacable desire to cut down the calendar," and the writer goes so far as to quote an English authority that "'When one in power resorts to expedition in the belief that it is justice, woe to the litigant.' This is called the calendar disease, and when it takes possession of one so that the afflicted person dreams of it all night and works at it all day, it invariably brings on paresis or something as fatal."

I now come to the very last, positively the last paper. It takes up the subject about where the other paper leaves it. The president of this association in a letter to me expressed the opinion in which I am sure you all cheerfully concur: "No man could size up judges or lawyers with such accuracy as the silent scribbler at the desk."

It is true, indeed, that great men have been swept off the face of the earth battling with the calendar. Referees innumerable, judges and lawyers uncounted, have been crushed to atoms by the grim, ceaseless advance of this juggernaut. No war, plague, pestilence or famine has been so savage, relentless, exacting and destructive. Flesh and bones are mouldering into clay within the narrow cell of men whose great object in life was to beat the calendar. But the calendar is still here. Gentlemen, can you believe that its persistency puts the modern gas meter to shame?

It has almost passed into a proverb that in this world there are two things sure, death and taxes. This apothegm may be amended by adding a third, so there be three things certain—death, taxes and the calendar—the antithesis of faith, hope and charity. A malignant trinity is, death, taxes and the calendar, and the greatest of these is the calendar. They hang over the door of Fate's pawn-shop the "In 'hock' signo vinces," where we pledge all and redeem, what? Kipling, or some other modern writer, says:

Greater than these no three things are,
Electricity, steam and war.

Surely he must have forgotten death, taxes and the calendar.

Now, by régime, temperance, and antiseptic vigilance the death rate may be minimized to an extent, so the ordinary man may live the three score and ten referred to in the Book—even beyond the "age of expectancy" fixed by the hard, matter of fact Northampton tables. Of course, this does not include the abnormal, curious cases where men worry themselves to death in studying how to preserve health.

Again, taxes may be decreased by the selection or election of a political party put on its metal and pledged to economy, (often of the cheap kind.) Yet, while taxes may be lowered and the death rate decreased, nothing can be done with the calendar.

An animal that "Feedeth on his own fat and groweth rich on its own grease," it is with us to-day as it has been from the time of "The People vs. Cain," when the defendant in answer to the Great Judge, testified that he was "not his brother's keeper." Yes! from the day of the inquest on the body of the first victim of fratricide till yesterday's trolley accident was investigated, it has been here. Like the poor, "always with us," it will be here to the end, even when some anxious litigant seeks a court where-in-justice is administered to prove that his claim accrued before the horn of Gabriel sounded bidding the dead arise and come to judgment, and within the time fixed by the remarkable statute of limitations. Destructive in its resistlessness the victims of the calendar are unnumbered.

Austerlitz, Culloden, Fontenoy, Gettysburg, the seven day's fight, the great plague of London, the dreaded yellow Jack, that most powerful emissary of the court of death, consumption, bright's disease, and I'll throw in Manilla—all rolled into one, are not "in it" with this huge machine that grinds down its victims; against whose rugged front, judges, lawyers and litigants have dashed themselves to death.

Aye! the calendar is with us. Sustained by the hopes of men which "spring eternal in the human breast," it is here, and when we are all gathered in and forgotten it will be here. It is the gospel of the day; the doxology of the time, "As it was in the beginning, is now and ever shall be, calendar without end." Do I hear a loud response from the "amen" corner? It is well.

It has been our fortune to work under men of all walks of life, men of many conditions and several states, men who gallantly led forlorn hopes against this Moloch, men who in desperate assault made invisible scratches, which they fondly imagined were mortal wounds, on the body of this insatiate monster. Alas! sooner or later they went down before it. Of one of these permit me to say a few words. He was a judge in a not distant district, who passed away not long since. I forget whether any legal association took fitting action on his death. The dead man did not need it. In early life an artisan he was always close to what Lincoln called "the plain people." With no belief that his memory may soon fade, but remembering him well, let me say a word for one who was so kind to many.

He was a Massachusetts man, and dead or alive a credit to the Commonwealth. Witch burning, blue laws and general cranki-

ness have been placed on the debit side against New England, but for all that we owe much to the woodmen of Maine, the Green Mountain boys, the tea spillers of Boston harbor, the wooden nutmeg makers of Connecticut, the people of Rhode Island under the guidance of Providence, and all those reared on the bleak hills and now abandoned farms "down east;" for in the little red schoolhouse of New England was born the idea, and in the yankee smithy was forged the cold chisel that cut in twain the shackles of the black man; it needed but the hand of Brown to hold it and the smiting axe of the Illinois rail-splitter to drive it through the gyves that had rusted on fettered limbs for many years.

He was a big man; yet his greatness was dwarfed in comparison with his kindness. The bread winners of families that he placed and kept where bread could be won, is a number unknown to us, but "the Master knoweth."

There are ambitious, world-worshipping, self-seeking men who with trick or device "get on" by playing to the galleries, letting every man and every hand know of ostentatious charity despite the injunction "Let not one hand know what the other doeth." Few of these endow a bed in an hospital. There are no votes in this. No parade. No worldly trick. No newspaper notoriety. It is not suitably sensational to deserve mention by an ephemeral two cent paper. It receives no such publicity as the measurement of the leg of a popular actress. Indeed, it is entirely overshadowed by the prowess of a "champion pie-eater." But if not popular here, surely it is written where neither rust nor moth consume. And who knoweth but led by the "kindly light," we may one day see things not comprehended in our present philosophy?

Now, no man outside the editorial sanctum of a daily paper or the membership of this organization is perfect, nor was this man. Yet, like Uncle Toby, while recording little ebullitions of temper, remembering his good deeds I trust the tears of the recording angel have fallen upon the page and blotted out his iniquities forever. For he gave shelter to the homeless and food to the hungry. He owed nothing to any man but good will; a debt he paid in fullest measure. So if there be judgment hereafter and his good deeds have followed him, many witnesses have bespoken mercy for the earthly judge before the Judge of Judges. He was the kindest man that ever broke bread.

One instance of this, a notable trial; the defendant a friendless, wretched, unclean peddler, of an unjustly despised race. The Empire State against the prisoner; it seemed an unfair match. For nineteen days an unrelenting district attorney and his associates on one side; the ox-eyed Beach with his confreres between the iron hand of the law and the hapless culprit. For

nineteen days the kindly, pleasant judge upheld the law, ruling on vital questions with learned nonchalance, chewing bits of blotting paper when "solace" was scarce. Quick to declare and expound the subtleties of the criminal law in the great ordeal where blood was taken and a life at stake; watched by astute lawyers, ready, perhaps anxious to misunderstand, cajole, frighten or bamboozle. Unswayed, unbullied, he presided serenely and unruffled in that long trial till the wretched prisoner stood convicted by the twelve good men and true.

Then, the soldier who held the scales so evenly could not find it in his big, warm heart to consign the friendless Jew to the last penalty, so a matter of fact judge of another court was called in to perform the dreadfully unpleasant and nasty work (which he apparently did without reluctance) of fixing the day of death, and handing the friendless Israelite over to the tender mercies of the hangman.

Only once in the many years he presided at oyer and terminer did he sentence a convicted man to death, and the wounded soldier who had seen destruction and bloodshed in many a deadly conflict and death on many a bloody field, with streaming eyes and faltering, almost inaudible voice, delivered the awful sentence; with incoherent, gasping jerks he fixed the time when the culprit should be done to death, and even then a cheap \$2,000 clerk was on hand to coach the big man what to say! Verily if it be that the merciful shall obtain mercy, his judgment has been light indeed.

He was under the silent observation of a not unobservant person for many years. There was no cheapness about him. and oh! men and brethren, of all the devils this is the most respectable, ubiquitous and powerful at the present day. Many of the others are homely, repulsive and disgusting, but this is the most omnipotent, all pervading, insidious, subtle demon and eminently respectable—the slimy serpent "Whose trail is over us all."

Devils there be, of high and low degree,
Devils great and small;
But this great demon of avarice
Is the sturdiest devil of all.

Great in great things, the man I speak of was indifferent in the little things. At one time indeed called the refuge of the convicted—the succor of the afflicted—the "Stay judge." If in obedience to public clamor a sacrifice or oblation was furnished by a district attorney the "Stay judge" was the last resort. Perhaps he thus made enemies. Possibly district attorneys are all like Caesar's wife, still Brutus said "All men are ambitious."

Now, it goes without saying that if a condemned person is

to have a stay at all, it should be while he is alive. A stay to prevent the execution of a dead man is not so effective. So on the slightest doubt or even shadow of doubt this judge gave the beaten man what is called in the vernacular "a show for his money." It is known as gambler's law, but I think it the natural instinct of any decent man not carried away by that overwhelming rush called "public opinion," which at times sweeps down like a Johnstown flood and blasts like a prairie fire, causing a staid people to do things with a rush and hurrah that in cooler moments every one believes might better have been left, at least for a time, undone.

Now many years since a man died by the "Jack Ketch" method now no longer in vogue. A prosecuting officer who had helped to convict and railroad the criminal candidly admitted long after the death of the victim that the wrong man had suffered the extreme penalty for a crime he did not commit. But the official consoled himself with the remark that the fellow under whose left ear he had helped place the knot, wasn't a very good citizen anyway; though he had not committed the crime for which he was executed, if he lived he might have done some bad thing. A rounder and a loafer, and might do something dreadful if allowed to live, so it was just as well his career was ended. Good God! Think of it! Murdering a man legally in the belief that he might possibly do something wicked had he been allowed to live! This the argument to justify the stamping out of a man's life by the leaden heel of the law!

If there be a hereafter according to the good old Presbyterian doctrine, and the devil gets a grip on that official, there will be "a hot time in the old town that night." Had there been timely application to the "stay judge," a cheerful official, active in a judicial murder, would not have sauntered so jauntily by whistling Sousa's latest march. The "stay judge" was not in that district.

His strength was his justice; his justice was his mercy. His kindness universal and catholic; this heart and mind too big to take note of little things. He was a fifty thousand dollar man in a fourteen thousand dollar job.

When law ran counter to justice, he upheld decency always. If you liked the decision, well and good; if not, and no tavern door were wide open, or no convenient barn, there was the corridor of the court house, broad and roomy, and imprecations that cracked the Portland cement had no effect upon and made no difference with him.

Believing he was right, no power could move him. Convinced he was wrong, it needed not the cobweb's strand to pull him over.

He was a great man among men, who thank God, are in no sense small. Those who knew him best looked upon him as without fear and above reproach. His name appeared on tickets of both political parties, and it would have been difficult for even a crank to vote against him.

Green be the grass above him. A soldier, a jurist, above all, a *man*, kindly, thoughtful and considerate of the humblest subordinate of the court.

Standing beside his dead body where friends were scarce and flowers few, I thought he was one of the rare ones to whom the works of Boyle O'Reilly applied:

" Richer than all were the unseen wreaths
On his coffin lid laid down
By the toll stained hands of working men,
Their wish, their prayer, their crown."

Of course, it is the way of the world to bury the dead hastily, throw the clay quickly on the coffin lid and scurry off to attend to the great business of money getting; yet, I trust this is not an inappropriate occasion to cast a faded, a belated flower on a lonely grave. God rest him.

Peradventure there are others—time will tell. No names are mentioned, but I cannot forbear presenting a bit of testimony showing what one may be if he follows the footsteps of his forbears. In casual conversation with an "East-ender," on a railroad car, an instance was sighted of rare honesty where a bankrupt merchant was called upon to account for an unexplained item of several hundred dollars appearing in the schedule of assets. With some feeling he testified that many years before he had settled an old debt at a certain percentage, for another bankrupt, and given a receipt in full; that more than a decade afterwards that bankrupt returned to the city of New York, invited his old creditors to breakfast at Delmonico's, a well known hotel. They attended. Turning over plates for the first course each man found beneath a check for the balance of the outlawed debt, with accrued and compound interest. The witness testified that it was an instance of rare honesty and had occurred but once in his forty years of business life in the metropolis. The person to whom this was related did not seem so astounded—said he knew a case just like it; "So-and-So done that, and his son is a setting on the supreme bench to-day." I trust blood will tell. No names are mentioned, but if any one has any doubt of the facts let him make application to the right quarter. The bankrupt who paid that original debt was Paddy Coxé of your neighboring city of Troy, a shoemaker, of the trade that Whittier called the "Gentle Craft," of whom he wrote in his songs of labor:

"Thy songs, Hans Sachs, are living yet,
 In strong and hearty German
 And Bloomfield's lay and Glifford's wit
 And patriot fame of Sherman."

Years afterwards a servile imitator, commemorating the instance above referred to, on the same subject and with the same meter, among other things said:

"Coxe's debt is remembered yet
 And Brissl's works are famous,
 And high upon your banners writ
 The Quaker poet's name is."

I shall not pause here to read the treasured letter which John Greenleaf Whittier wrote me, because if he wrote any he probably forgot to post it. I see signs of weariness and gaping, and it is time for me to leave a gap which can be better filled by some one having something to say.

Mr. Bigelow offered the following resolution:

Resolved, That the thanks of this association are due and are hereby tendered to Hon. Martin W. Littleton for his thoughtful and masterly discourse upon the duties and functions of stenographers in courts of record; that we are grateful for the interest manifested by him in our work and welfare, and that we will bear his suggestions in careful consideration.

The resolution was unanimously adopted, and upon motion of Mr. Sammis, the secretary was instructed to communicate the passage of the resolution to Mr. Littleton.

The secretary presented the resignations of Miss Helen E. Kirby, of Cortland, and Thomas Watts, of Middletown, both of whom had retired from the profession of stenographic reporting.

The resignations were accepted.

Mr. MARTIN: Representing the committee appointed this morning, with respect to the subject of affiliating with the National Association, I will say that we have considered it with more or less care, and in view of the fact that I suppose they would like to have a decision of the matter, the committee have decided to report in favor of affiliating with the National Association, and we leave the matter open to the action of the association, and suggest that they act upon it to-day.

The PRESIDENT: We would like to hear from the committee on place of meeting.

Mr. RODGERS: Mr. President, as chairman of that committee, I am happy to report, as the result of our considerations, the unanimous choice of Buffalo as the next place of meeting.

The PRESIDENT: There was a suggestion this morning that the executive committee be given power to appoint a committee of one or more to represent the New York state associa-

tion at the meetings of the Pennsylvania and New England associations. Is the association ready to act? I think it would be wise to have a committee appointed to act on that subject. An invitation has been extended by Col. Demming, and also by Mr. Beale, that this association send representatives to their respective meetings. The New England association meets next month.

On motion of Mr. Rodgers, the matter was referred to the executive committee.

Mr. MURRAY: Perhaps it would be wise, before we adjourn, at this time to consider whether this organization should not raise a fund to be placed in the hands of the legislative committee for the purpose of advancing legislation. I offer a resolution to the effect that each active member of the association be assessed the sum of two dollars, in order to create a fund for the purpose of advancing such legislation as is beneficial to its members, and of opposing such as may be detrimental.

Mr. McLoughlin: I was not here when Mr. Hill's paper was read. I think this matter could be properly left to the executive committee, to fix the annual assessment at a figure sufficient to cover what is needed for such purposes.

Mr. S. C. ORMSBY: Mr. President, I think the matter of the National association is of sufficient importance for someone to take a step; and although it may not be in order for a member of the committee, I will be one to offer the resolution, that this association take such steps, through its officers, as may be proper, to affiliate with the National Shorthand Reporters' Association.

The motion was seconded and unanimously carried.

Mr. Mc LOUGHLIN: I move that it be left to the executive committee to fix the amount of dues for the coming year, sufficient to cover this matter.

Mr. REQUA: Mr. President, as chairman of the committee on admission of new members, I have to report that the committee recommend the following for admission to membership in the association:

J. K. Blackman, M. V. R. Weyant, Edward J. McLoughlin, Charles F. Johnson, Louis F. O'Neill, Clarence Bonyng, Edward Carroll, Jr., Miles S. Vickery and Edwin C. Cloyd.

The committee have found these names to be indorsed in the usual manner, and therefore recommend them for membership.

The report was unanimously adopted.

Mr. McLoughlin: In line with the suggestion that the matter last brought up be referred to the executive committee, I

think that the executive committee and the officers for next year should also take up the matter of dropping members who have not paid their dues. It is useless to keep on the roll of membership, and give them all the advantage of the proceedings and everything else, the number of men who neither take any interest in the association nor even pay their dues. I think that before the next proceedings issue the list of members should be revised. I noticed that Mr. Cherry was very diligent to secure the proper present address of every member who is present, but the list should be revised with a view to weeding out the men who do not pay their dues, so that the proceedings for this year be not sent to any member who has not paid his dues.

Mr. WAT. L. ORMSBY: As chairman of the committee on nomination of officers for the ensuing year, I present the following for action by the association:

For president, W. P. CHERRY, of Brooklyn;

For vice-president, SIDNEY C. ORMSBY, of New York;

For secretary and treasurer, GEORGE A. MURRAY, of Albany;

For librarian, M. JEANNETTE BALLANTYNE, of Rochester.

Executive committee: Peter P. McLoughlin, of New York; Charles H. Bailey, of Buffalo; Louis Loewenstein, of Troy; John H. Wilson, of Syracuse; Henry L. Beach, of Binghamton.

Mr. McLoughlin moved, and it was carried, that the secretary be allowed fifty dollars for reporting the convention.

It was moved by Mr. Lowenstein and seconded that a vote of thanks be extended to the Brooklyn members and their New York associates for their generous entertainment of this convention.

The PRESIDENT: The chair heartily and warmly adds an Amen to that resolution, and suggests that it be adopted by a rising vote.

Unanimously so adopted.

Col. DEMMING: Mr. President and members, I have been permitted to attend, I think, seventeen meetings of your association; and I wish to say before you adjourn that this has been the most interesting and profitable of any that I have attended. I thought, when we came here as a delegation from Pennsylvania, being only sixteen days old, that we ought not to attempt to say anything, but only to cry out in case we were pinched. But I have reconsidered, and I believe now that we come here on our wedding tour, and we come here with a big Head, and we come here with a Bride. That bride is a Taylor, and in order that we may know that the bride is of Scotch-Irish descent, we have a "Mac."

We glory in the growth and strength and beauty of the New

York State Stenographers' Association. We have no bloody chasm between Pennsylvania and New York, and we have never had one. Therefore it is not necessary to clasp hands over anything of that kind. We have always been friendly one to another, and we believe in provoking good words. We allow New York to be first in population; you allow us to be first in iron and steel. We allow you to be first in internal navigation; you allow us to be first in oil and in gas. We allow you to have the great commercial metropolis of America; you allow us to furnish the anthracite coal, as no other state can do.

Now, under these circumstances, we think since we are now organized in Pennsylvania we can move along more harmoniously and more pleasantly and profitably than we have ever before; and since we have beckoning to us from Elmira, the White Rose of your state, we shall feel tender and true.

But there is one sad thought in connection with these meetings. Years ago I remember meeting faces that we see no more. Our friends Wyckoff, Underhill, Payne and Duffield, and among the ladies, Mrs. Beach and Mrs. Palmer, have all passed on, they have gone to the harbor beyond the hill,

*"But O, for the touch of a vanish'd hand,
And the sound of a voice that is still!"*

Mr. HILL: It occurred to me to say—it is an old story, of course, but still I repeat it—that Napoleon I. said that the way to a woman's heart was through her eyes and ears, the way to a man's heart was down his throat. We had some evidences of that, perhaps, last night; but I assure you that the way to my heart at the present time is not down my throat, unless I have a lump in my throat; but as with a woman, it is through my eyes and through my ears,—because I have been delighted to meet with you and to see what you are and what you have had to say. In reference to affiliation with our National association there is one thing I want to say, and that is that we are going to give you such positive assurance in the coming year and in the years to come as will lead you never to regret the step that you this day have taken.

It was moved and carried that the secretary cast an affirmative ballot for the officers named, and the secretary reporting the ballot cast as directed, the chair declared the officers named to be elected.

The PRESIDENT: I think the association is to be congratulated on each and every selection. The president, Mr. Cherry, is an accomplished stenographer, and one of the hardest workers we have in the association, for its interests. It gives me much pleasure to present him to you at this time.

Mr. CHERRY assumed the chair and said: Members of the association: Words do not come to my lips to express my appreciation of the honor which you have done me. It seems to me that a far better selection could have been made from the members who are here present to-day. I trust, however, that my efforts for the success of the association will merit your approbation.

Mr. McLoughlin: I trust, Mr. President, that we shall hear from our vice-president and our secretary-elect and have the secretary make a few promises.

Mr. S. C. ORMSBY: I do not know, Mr. President, how to find words to express my gratification at the honor bestowed on me to-day, and I do not know that at this late hour I shall try. You know that "actions speak louder than words," and I wish to be judged by my deeds in behalf of this association during the ensuing year.

President-elect CHERRY: The members present will all be pleased to hear from Mr. Murray, of Albany.

Mr. MURRAY: Ladies and gentlemen, I do not know that I can say anything to prove my appreciation of the honor you have placed at my disposal. As to making any "promises," I would suggest that our friend McLoughlin draft a few, and I will sign them, so that a year hence you may see whether or not I have fulfilled the duties of the office as my friend thinks they should be performed. I know that I will have the assistance and advice of the older members. Were it not so I would hardly feel justified in taking the position of secretary, so important an one as it is. Relying upon the older members for advice and assistance, I will do the best I can.

Mr. McLoughlin: Pardon me for making the suggestion that one of the most brilliant stenographers attending this meeting—one of the ablest stenographers in the entire state of New York—has remained silent during the entire meeting, and this meeting should not close (having agreed to meet in the city of Buffalo) without hearing from the only representative from Buffalo, Mr. Bailey.

Mr. BAILEY: In case I was called upon to speak, I had expressed a volume of Pan-American literature, and if you had time I would like to read it to you, but will submit it to you, and call that my speech.

The PRESIDENT: All in favor of adjourning, to meet one year hence, in the hope that we may see all those now present, and more in addition, will so signify.

Mr. CAREY: Mr. Requa promised to sing "Auld Lang Syne" before we go, and I believe we all agreed to "join in the chorus."

The motion being unanimously carried, the convention adjourned.

The committee presented this memorial, which was unanimously adopted :

Memorial.

This association desires to express its appreciation of the professional life and manly character of the late HENRY G. SMITH, which endeared him to his professional brethren, and won the high respect of the bench and bar during his life, and at his death, in the prime of manhood, carried keen feelings of loss and sorrow to the hearts of his associates.

We commemorate with no less satisfaction the moral qualities which adorned the life of Mr. Smith, his gentlemanly bearing and courtesy to all, and his faithfulness in the performance of his duties both in public and private life.

We deeply sympathize with the family left in sorrow, and tender them our warmest commiseration in their affliction.

This minute will be enrolled upon our records, and a copy of the same will be transmitted to the family of our deceased brother.

SILVER JUBILEE BANQUET.

HELD AT THE

BRIGHTON BEACH HOTEL, THURSDAY, AUG. 23.

On Thursday afternoon at about five o'clock by the courtesy of the Brooklyn Rapid Transit Company special parlor cars conveyed the members and guests by trolley to Brighton Beach, where an hour was spent in social converse upon the ocean beach. Seven o'clock found the members and guests, to the number of about one hundred, prepared to enjoy the following

MENU.

Little Neck Clams.

SAUTERNE

Consommé Royal.

Olives.

Cucumbers.

Broiled Bluefish, maître d'hôtel.

Potatoes.

Pommes Parisienne.

Filet de Bœuf, aux Champignons

Green Corn.

ST. JULIEN.

Roman Punch.

Red Birds on Toast.

Water Cress.

POMMERY SEC.

Champagne Wine Jelly.

Neapolitan Ice Cream.

Assorted Cakes.

Watermelon.

Crackers.

Cheese.

Coffee.

Cigars.

TOASTS.

SALUTATORY, Mr. CHARLES H. REQUA, Toastmaster.

"A good digestion to you all: and, once more
I shower a welcome on you; welcome all."

ANCIENT STENOGRAPHERS AND STENOGRAPHIC TRUSTS,

W. L. ORMSBY, JR.

"He deserves small trust
Who is not privy-counsellor to himself."

THE BENCH, HON. BURR MATTICE.

"The hope of all who suffer,
The dread of all who wrong."

WHAT TWENTY-FIVE YEARS HAVE DONE FOR SHORTHAND,

MR. PETER P. McLOUGHLIN.

"For he's a jolly good fellow,
Which nobody can deny."

THE LAWYER AND THE STENOGRAPHER, MR. FREDERICK E. CRANE.

"In which, whoever wins the day,
The litigant is sure to pay."

THE LAW'S MOST ACTIVE EXPONENT, THE SHERIFF,

MR. WILLIAM WALTON.

"The Gods
Grow angry with your patience: 'tis their care,
And must be yours, that guilty men escape not."

THE PRESS, MR. GEORGE F. DOBSON.

"Like Eden's dread probationary tree,
Knowledge of good and evil is from thee."

WOMAN, MR. JOHN B. CAREY.

"Angels are painted fair to look like you:
There's in you all that we believe of heaven."

Having reached the coffee and cigars, Mr. Charles H. Requa, who presided as Toast Master, said:

I don't know how the rest of you may feel, but after that last course I feel a good deal like Martin Luther after the celebrated Diet of Worms. He said, "God help me, I can take no other course."

This is our Twenty-fifth Anniversary, and consequently our "silver wedding." Hence this is our wedding feast, and it is "sixteen to one" that we have a good time!

For the first time in my life I am inclined to question the judgment and wisdom of those who have selected me for the pleasing duty of welcoming the New York State Stenographers' Association, for I am one of its younger members. Moreover it is one thing to be at the reporters' table, putting down anything you have a mind to, and quite another to stand up as the victim, at this end of the line. One does not always hear exactly what he thinks he does; one does not always write down exactly what he hears, and it has been known to happen that one does not invariably transcribe exactly what he has written; so that when a man picks up a paper and reads what he is reported to have said, it is small wonder that it sometimes drives him to drink. You may have heard of the man who reported a sermon where the clergyman took as his text "And the enemy came and sowed tares." The stenographer took it down all right, but forgot to vocalize. He was not very familiar with scripture, and when he came to his outline "s-d t-r-s," it puzzled him to know what it stood for. But it read one thing just as well as another, so he transcribed it "The enemy came and sawed trees." For further particulars, see the clergyman. His next experience was with a florid speaker, much given to poetical quotation, who used the expression "In Heaven yclept Euphrosyne," which he transcribed "In Heaven she crept and froze her knee." His next experience was in the Greeley campaign, reporting Horace Greeley, who made reference to "Three men in buckram," which he transcribed "Three men in a back room." And when Mr. Greeley plaintively asked, "Is there no balm in Gilead?" he wrote him out "Is there no barn in Guilford?" But he capped the climax when Mr. Greeley undertook to close a labored effort with that well-known quotation of Shakspeare's, "'Tis true 'tis pity, and pity 'tis 'tis true," which the stenographer rendered "'Tis two, 'tis fifty, 'tis fifty, 'tis fifty-two!" But as that stenographer was not a member of the New York State Stenographers' Association, perhaps my fears are groundless. It would be superfluous on my part, as well as trenching on the province of others, for me to go into the history of your association, its various places of meeting and the good times there enjoyed. Neither would I weary

you with my much speaking, with such a choice, well balanced and well considered order of exercises before you, which will sufficiently occupy your time. Neither do I wish to place myself in the category of the minister, who, upon meeting one of his parishioners who had stood his prosy discourses as long as he was able and then quietly dropped out, rushed up to him when they met and grasping him warmly by the hand said: "Have you heard my last sermon?" whereupon his ex-parishioner replied, wearily, "I hope so!" On behalf of your committee, I most cordially welcome you to Brooklyn, now Greater New York, the city of wise judges, able lawyers and experienced stenographers. And this is no limited or restricted welcome. I am pleased to see representatives of the National Association and visiting delegations from various states, including sturdy New England. I am not myself a Yankee, but have always admired New England pluck, New England perseverance, New England energy and enterprise. Leaving New York, the gateway to a mighty nation, a country so vast that a mortgage would be due on one end of it before it could be recorded on the other, and journeying westward, like the Star of Empire, o'er hills and smiling valleys, across the plains, over the mountains and seas of golden grain, the pioneer Yankee went, till at last he came to that seemingly impassable barrier, the Rocky mountains, which, reaching up to kiss the sunlight, seemed to say to him, "Thus far shalt thou go, but no farther." Did he pause there? Not a bit of it; but pulling the steel rails of the Pacific railroad across his shoulders, like a great pair of national suspenders, he strode majestically down their western slope, nor tarried till he washed the dust of his cowhide boots in the placid waters of the Pacific ocean; pausing then only because he could go no farther, as he watched the sun sink to rest, bathed in a sea of golden glory, with its last fond lingering rays kissing fair Liberty "good night." And as I look around me and see those of New England birth, New England extraction or New England education, can I close these few rambling and illy assorted remarks better than by holding up for your encouragement and emulation the noble example of our Pilgrim Fathers, who, braving the perils of an unknown sea, amid the rigors of a northern winter, steering for shores unknown, landing on the rock-bound coast of a pathless wilderness, whose unhewn and wellnigh impenetrable forests resounded only to the cry of the wolf and the panther and the war whoop of the no less treacherous savage; yet who, hand in hand and heart to heart, went boldly, bravely, manfully forward, onward and upward, till at last they gained the lofty heights of enduring success and lasting prosperity; whereon, building better than they knew, they have erected for us, their

children, the great temple of civic and religious liberty, wherein, irrespective of sect or creed, we all do worship, 'neath the five and forty bright stars in the glittering constellation of our country's beautiful banner, with whose thirteen broad stripes the nations of the earth are healed of their infirmities.

" Oh, thou holy One, and just,
Thou who wast the Pilgrim's trust,
Thou who watchest o'er their dust,
By the moaning sea,
By their conflicts, toils and cares,
By their perils and their prayers,
By their ashes make their heirs
True to them, and Thee."

The first toast on our toast list, as you will see, is

"ANCIENT STENOGRAPHERS AND STENOGRAPHIC TRUSTS."

We have with us to-night (and I, from the bottom of my heart, am delighted to be able to say it) one of the old veterans of the craft.

If any one can speak intelligently, comprehensively and edifyingly on a theme of this kind, he can, and he will. It gives me great pleasure to introduce to you Mr. W. L. Ormsby, Jr.

Mr. ORMSBY said:

Mr. President, Ladies and Gentlemen: The joke which the toast master has made, comparing the Pacific railroad to an immense pair of suspenders, reminds me of a joke which was made at the time the Atlantic cable was laid, when a distinguished justice said that the ocean cable was the umbilical cord which united this country to the mother country. I don't know whether that joke may be permitted to a man of my age, but to no one younger, anyway.

I do not know what is referred to in this little poetry which precedes, or rather succeeds my toast, about the "trusts"—whether that refers to the Ormsby Trust or not; but the second line I thought might refer to a very philosophical doctrine of mine, called "Enlightened Self-interest," and I would really like to talk to you an hour or two about that, but that I am afraid time would not permit. And for fear that I should talk to you a little too much, I have reduced what I have to say to a few brief notes. (Applause.)

The oldest of reported speeches is the Sermon on the Mount—variously transcribed by Matthew, Mark, Luke and John. We are left in doubt whether the defects in the reports are due to the system of reporting or the variations in the capacities of the men. One of the best congressional reporters I ever knew used a villainous system of stenography and wretched stubs of pencils. But I do not mean to say that good tools are a draw.

back. The first phonographer I saw at work was Mr. Parkhurst, the astronomer, who remained in active work as a stenographer in the supreme court, I was told, until his son was about 60. When he left off writing figures of speech he kept on writing figures about the stars. The oldest text-book of stenography I ever saw had an engraved frontispiece representing a man making a speech, and each person in the audience had a note-book and pencil and was reporting the speech. If all of you would take out your pencils now, that picture might be realized to-day

I am no Methuselah, but I remember when there were no official stenographers in this state. All of the first appointees were my personal acquaintances, if not my friends. The man who did more than any other to establish official stenographers was Edward F. Underhill, a most erratic and erotic genius, whose great service to official reporting ought to be recognized by a monument. I remember him when he was a newspaper reporter on the *Tribune* at eighteen dollars a week, which was then a high salary, in about the year 1854. It was about that time that a Hibernian stenographer on the *Herald* made the famous remark, "I can write shorthand with the greatest rapidity, but the great difficulty I find is in reading after I have written it." Then also a *Tribune* phonographer named Club transcribed the famous Shakespearean names of three dogs, "Tray. Blanche and Sweetheart," which appeared in the *Tribune* on the following morning as "*They plunge and start.*"

In 1855 there were hardly half a dozen competent professional stenographers in New York city, and when shortly afterwards the courts were supplied with official stenographers there were not enough competent ones to supply all the courts. There were many complaints of the inefficiency of one man in the Marine Court. I have seen the late Judge James B. Sheridan, who was an accomplished phonographer, take notes for himself of a trial before him, and help out the official stenographer when he was unable to read his notes.

To the distinguished philanthropist, scholar, millionaire and gentleman, Elbridge T. Gerry, we are indebted for the introduction of official stenographers in the police courts, or city magistrates' courts, as they are now termed, thus enabling the more careful preservation of the rights of defendants and supplying more reliable material for review. The magistrates have not appointed or removed men for merely political reasons, but have kept in office men of all parties who attended to their duties. The records are generally confined to the more important cases, but comprise both functions of the court, viz.: That of committing magistrates for trial in other courts, and

of trial magistrates for summary proceedings. These latter are sometimes peculiar. It is said that the late Patrick Gavin Duffy once wrote on a paper "Fined five dollars—fine not to be taken," and on another "\$500 bail, bail not to be taken." A peculiar form of punishment in this court is the "Bond for good behavior," with an alternative of imprisonment. The poor "bums" cannot get the bondsmen and suffer the imprisonment, but most of the condemned furnish the bond at once and go scot free. Millions of these bonds are taken, but few, if any, have been forfeited and collected. If all that could be forfeited could be collected, we could pay the city debt with the proceeds. But the conditions of forfeiture are so complicated that to secure any real punishment some other form must be adopted.

There have been great improvements in reporting in my time. The civil service, the graphophone and the typewriter have worked wonders. I can remember, as a newspaper reporter, when the lawyers and the court all took notes of the testimony, all disagreeing as to the text. I cannot help comparing that unsatisfactory result with the present exactness wherein the lawyers, the court and the witness yield promptly to the record of the official stenographer. The wonder is that the English courts and our own United States courts still hold out and persist in the old-fashioned, cumbersome and incorrect records that result from the absence of the stenographer. Surely the time cannot be far distant when these old-fashioned courts will yield to the progress of stenography.

To be, or not to be, that is the question;
Whether 'tis better in our courts to suffer
The complex quibble of ambiguous long hand,
Or to take arms against a sea of troubles
And by phonography to end them.

The blunders of phonographers have been a never ending source of amusement. I had the distinguished honor of transcribing "Muniments of title" into "Monuments of detail" in about the year 1856. It is reported that the late Horace Greeley once, in despair at the work of an inexperienced phonographer, remarked in that forcible language for which the distinguished editor was remarkable, "What the devil is phonography worth?" But it must be admitted that the competent stenographer improves speeches as much as he mars them; that he often properly leaves out what speakers *do* say and puts in what they *meant* to say. The experienced law reporter often keeps his finger in a place many pages back, where a question was asked, which has been absolutely forgotten in the long and wordy discussion which has followed, comprising many folios, and useful only to make up folios and pile up a bill, for

which the stenographer is blamed, and for which the lawyer is himself responsible. Most lawyers have yet to learn that it is an expensive thing to talk when you have to pay for it by the folio. The wary lawyers have discovered that "silence is golden." (Applause.)

The TOASTMASTER: I am advised that we have present with us to-night Mr. George F. Golden, who will oblige us with one of his specialties.

Mr. Golden entertained the audience with an exceedingly humorous speech, until, at a most amusing point, he was interrupted by the hotel band upon a contiguous piazza.

The TOASTMASTER: Ladies and gentlemen, it has been arranged that the band will intersperse our speeches with their music. The next toast on the program is, "The Bench":—

"The hope of all who suffer, the dread of all who wrong."

Hon. Manley B. Mattice, Justice of the Supreme Court, Sixth District, who expected to have been with us to-night, was to have responded to the toast, but is unavoidably absent, and we are most fortunate to-night in having with us Hon. John Fleming, of Jamaica, ex-District Attorney of Queens county, and now upon the bench, who will respond to the toast. (Applause.)

Judge FLEMING said: Mr. Chairman, ladies and gentlemen: Before this adjacent clarionet player has the opportunity of letting us hear from him, I shall endeavor to get through with what I have to say. This is the first of your gatherings that I have attended, and I assure you I have experienced, and knew before I came here that I would experience great pleasure indeed in being present at this feast. I regret that Judge Mattice is not here to respond to this toast, but I shall, as best I can, endeavor to follow what might possibly be the lines that Judge Mattice would adopt. Of course, Judge Mattice, as a judge of the supreme court, and as a lawyer, would confine himself strictly to the point, and would not wander or deviate in any way. This particular toast would be in his mind from the time he arose to its discussion. I believe it reads, Mr. Chairman, "The hope of all who suffer." I do not know who the author is. It seemed when I first read it, a little as if it might possibly be Watts. I am somewhat familiar with his hymns, and I did not know at first but what it might possibly be from one of those hymns, which, in the lapse of years, had become somewhat obscured in my memory. But upon second thought, I had no doubt whatever that the author of those two lines,—

"The Bench,

The hope of all who suffer,"—

that the author of those two lines was Col. Hemstreet. I have been reading the "Eagle" this afternoon. I read the speech

which the colonel delivered to-day before this association, and I saw that he had been giving the bench this quiet, gentle, intelligent and no doubt deserved dig, and that he still remembered those old lines, that the bench is the hope of those who suffer. The stenographer, as Col. Hemstreet viewed it, is, of all men, in his relations to the bench, the man who suffers.

Now, gentlemen, when Col. Hemstreet wrote those lines, if he did (and I suppose he did,) he also had in mind those lines of Burns:—

" Who shall say that fortune grieves him,
When the star of hope she leaves him?"

I have no doubt that Col. Hemstreet is fully alive to the fact that though this "star of hope" may be very small and may be very remote, and it requires the strongest eye to behold it, yet his happy eye still sees it in the distance and recognizes that the bench may yet come to appreciate the importance, the dignity, and the worth of this association as an association, and of each component part of it.

Do you wonder, gentlemen, that the bench has, at the present time, let me say, in this tumult of ideas at the moment, a perhaps too exalted idea of your profession, which may possibly affect you injuriously. Col. Hemstreet, if I recollect aright, said that the bench seemed to have some sort of an idea that when dealing with the stenographer it was dealing with something outside of and beyond all sort of human nature—dealing with something having energies and faculties so quick and so alert, and with mind so comprehensive, that there was no room or possibility of mistake. Now do you wonder that the bench should form some such idea as that? I confess to you, gentlemen, that before I went on the bench, and from the time I began to be a lawyer, I have had somewhat of this idea myself. Your profession has been a marvel to me always. I have seen and taken up a little piece of paper and looked at it flecked with those dots and dashes, apparently signifying nothing; sometimes, when made by the delicate hand, reminding me of the zephyr, with nothing suggestive of violent blowing, and yet, when translated, translated into argument closely woven, logical, clear reasoning that draws the mind captive, translated into appeal that inflames the heart. And so I have said, "These men, in this art, are truly wonderful." When I stand before some of these Egyptian obelisks or monuments, and read the inscriptions upon them, I envy the stenographers of the state of New York and of the other states of this Union, who are in such close contact with those men of antiquity, who could stand and read—" (The music of the band here interrupted the speaker.)

Mr. Chairman, it is a good time and good place to end. (Applause.)

The TOASTMASTER: With that musical assault and battery by a brass band, I don't propose to waste valuable time in introductions, and we will proceed to the next number on the program, which is,

"WHAT TWENTY-FIVE YEARS HAVE DONE FOR SHORTHAND,"

to which Mr. Peter P. McLoughlin, of New York, will respond.

Mr. McLoughlin: Ladies and gentlemen: I have arranged that the band shall not resume until I have concluded. If any of you have suffered the slightest inconvenience at the dinner this evening, I, as one of the members of the local entertainment committee, wish to humbly apologize. If the waiters have been slow, or if the band has interrupted the dinner courses, it can all be explained. I went outside a few moments ago, and asked Mr. Roche, my own personal and very dear friend (applause,) for an explanation of why the band was playing, and why the waiters were slow; and he patted me over the shoulder and said, "Mac, old man, don't you know that we are quite short-handed to-night?"

I know that you all expect from me a history of what twenty-five years has done for shorthand. Twenty-five years ago, in the city of Syracuse, there assembled Mr. Spencer C. Rodgers, of Troy, and his little band of conspirators from up the state—excluding this part of the state—and in solemn conclave they determined what was best to be done for the interests of our chosen profession. To-day the New York State Stenographers' Association has met in solemn conclave, and has unanimously determined what is best to be done for our profession, who is to be *done*, and when they are to be done!

Twenty-five years ago, gentlemen, seems but yesterday. Twenty-five years ago our vice-president, Cherry, as a bare-footed boy, was plucking cherries in Flatbush. Now he has little Cherry's of his own, and the little grassplot, six by ten, that he cuts before breakfast every morning, "and still he is not happy."

Twenty-five years ago the elder Ormsby opened the first law stenographer's office in the city of New York. He had as his chosen associate or partner his elder son, Wat. There was a discussion between the elder gentleman and his son as to how the sign should appear upon the door. The old gentleman said it would look rather ridiculous to have it say "Wat L. Ormsby, Jr., and Wat. L. Ormsby, Jr., Jr.," and the young gentleman, with that modesty that has always characterized his professional career, suggested to his father, "Why not make the sign 'Wat. L. Ormsby and Father?'" And the blow of the father almost killed Wat.; and he has been parting his hair in the middle ever since.

Twenty-five years ago I was a boy but eight years of age. I knew as much about shorthand as the Chinese do about defending an Imperial city. Yesterday Wat. Ormsby suggested that McLoughlin make a speech at the dinner, because he was always so *reddy*.

Twenty-five years ago the stenographer was a rarity to be found only in courts, (Mr. Bigelow, for example,) to be pointed out to the admiring throng as a wizard. To-day we find stenographers in breweries, in bicycle factories and in hardware stores, and nobody marvels at their mistakes.

Twenty-five years ago the furnishing of a stenographer's office consisted of pen, ink and paper, a washtub and a wringer, a copying press and an oil lamp. To-day no outfit is complete without the telephone, the graphophone, the typewriter and electric light. Sidney Ormsby insists that there are still some wringers in the profession, and has organized an association to squeeze them out.

Twenty-five years ago stenographers were just what they are to-day, and just what I am. We would be far in advance of what we were then and what we are now, if we followed the teaching of Mr. Sidney Ormsby. I wish in the few remarks that I may have to make here before that band starts up, to pay my humble tribute of respect to the one man in the entire state of New York (barring not even his respected and venerated father,) who has done more than anyone else to awaken the stenographers of to-day to a realizing sense of the duties that they owe to each other, of banding together and demanding of the legislature of the state the right that is due to them of taking their place among the professions of the state and of the country.

I only wish that Mr. Roche, the proprietor of this hotel, were here, as he was when we appeared before a legislative Assembly committee, and argued there, as we argue here, that stenography is a profession, and demanded our rights as professional men and women!

And, by the way, I might say that professional stenographers never in the course of their experience have barred women. If the woman is competent we take her right into our ranks, as we have done in the case of Miss Ballantyne, of Rochester, and Mrs. White, of Elmira.

Let us, then, brothers as we are, join hands with Mr. Sidney Ormsby (the junior, perhaps, of the whole corps of Ormsbys,) in his effort to dignify our calling into a profession. The dentists, the doctors, the lawyers, and every other profession, have their license from the state. Why should we not have it? We *will* have it.

The TOASTMASTER: As we all know, the poet would not have said anything against the attorneys if he had known Mr. Frederick E. Crane. We read,

"The star that sets shall rise again,
But the star that falleth, never."

And to that I would add,

"Stars may wax and stars may wane,
But not the star of Frederick Crane."

We will now be pleased to listen to him in response to the toast,

"THE LAWYER AND THE STENOGRAPHER,"

"In which, whoever wins the day,
The litigant is sure to pay."

Mr. FREDERICK E. CRANE said:

I suppose, ladies and gentlemen, that after that very stellar introduction, Mr. Requa expected me to see stars, and thereby embarrass me. Why it is that you, who by reason of your profession—as I deem it, whether it is one or not—are brought in contact as you are daily with the lawyers, should when off on a good time desire to have them with you, and more than that, to hear one of them speak to you, is beyond my comprehension. I could as readily imagine an engineer, after he is relieved of the responsibility of running his train, enjoying his leisure in watching the cars go by.

After a criminal trial which was so very heated and contested that the stenographer was requested to take down the summing up of both counsel, of which unfortunately I was one, I approached him and said, "It must be very hard work indeed to write all day long." "Oh, no," he said, "that is the easiest part of our work." "Indeed!" said I, "why, what is the hardest?" "Being compelled to sit here and listen to the lawyers."

As Mr. Ormsby the elder has said, to a stenographer, to a judge, and even to a lawyer, it would seem as though the old adage would be very true, that "Silence is golden." And so I think that one of our supreme court judges considered it when I was trying a case before him; in fact, it was the second case I had tried that week, and I had a very bad cold, and as the trial progressed, I became very hoarse; when I arose to sum up and reply to the abuse which the opposing counsel had been heaping upon me for at least half an hour, I was astonished and mortified to find that my voice had utterly left me. I made all sorts of motions and efforts to speak, and at last, amidst a great deal of confusion and embarrassment, I sat down without having said one word. The judge charged the jury, and then turned to me and in those deep tones which some of you know fill the courtroom, said, "Mr. Crane, I never heard you so eloquent." And

as the jury were evidently impressed with my eloquence I have since then, gentlemen, lost faith in words.

Why, therefore, you should invite me, a lawyer, to come here to-night to speak to you, especially when in your midst you have such eloquence, can only be accounted for by me in one or two ways. I think now, from what has transpired, that Mr. Requa did it as a kind of huge joke on me,—he was going to pit me against the band. We have had it arranged that the band give us half a chance. I find myself in the position of a jolly good fellow who was a member of an English club. He died early in life, on account of his habits. He had a great habit of treating everybody, and he always insisted on treating when people would allow him, and at last he treated himself into his grave. He had a very touching tombstone. It lay flat upon the ground, and had upon it his name, and then the words, "This is on *me*." (Applause.) So I have been thinking that perhaps the stenographers, in getting me down against the band, were kind of playing a joke on me. Or it may be that you feel a little sociable towards the lawyers, believing that they think you have some grudge against them,—like the old lady who leaned over the fence one morning and said to a neighbor, "Hanging out the clothes?" "Yes." "Not that I care a hang, but just to be social like." Then again, it may be that you have become accustomed to the lawyers. You have become so accustomed to them that you can't do without them—like the mariner who has become so accustomed to the blowing of the wind that the calm is oppressive. They said of an old lady down on Cape Cod, that by reason of having eaten so many clams, her stomach used to rise and fall with the tide.

Ladies and gentlemen, you have asked me to say something about "the lawyer and the stenographer." I know what the stenographer would say about the lawyer. But perhaps I can say, with the permission of the band, what the stenographer is to the lawyer. In the first place, it has been my experience that the stenographer is the mirror in which the lawyer sees himself as others see him. He comes into the court-room, his mind is intent upon his case, he is determined that by every effort in his power nothing shall prevent even-handed justice being done his client; and he means, at the very outset to impress the court and the jury, and even his opponent, that justice is upon his side. Now as for the court stenographer, he never thinks of *him* as anything more than a necessary piece of court furniture. In reality and in fact the only impression he is making is through that stenographer, upon paper and in the minutes which thereafter will be the mirror in which he will calmly look and reflect. (Applause.) The case finished, he settles back, feeling confident that without him justice would not have known how to tip the

scales—while poor, blindfolded Justice has her eyes unbound, that she may see who it was making such outlandish claims in her name.

And then, after all is over, and the heat and pressure of the trial have given place to calmer judgment, and he begins to make up his case on appeal, he takes up the stenographer's minutes. He commences to read. What a revelation! What a surprise! He begins to see himself as others see him. Why that meaningless and unintelligent question? Surely that is not his! This ungrammatical sentence, at which any schoolboy would laugh—that is the stenographer's mistake. And by the time he has read those fifty or sixty pages, if he is a young lawyer, he makes for the stenographer to show him his mistakes. Surely there could be no such difference between what he thought he was saying and what the minutes show him to have said. But if he be an older member of the bar, he simply smiles and says nothing. Next time he will remember the stenographer. He will remember that the stenographer takes down everything. In fact, gentlemen, I should imagine that this habit of taking things down is kind of second nature. As I looked about this table to-night, I saw that all of you "took down" about everything that came along, considering nothing incompetent, irrelevant or immaterial. (Applause.)

Then, too, seriously, the stenographer is to the lawyer a spur to greater dignity, more self-control, better diction and more perspicuous style. I heard a trial here last winter in which a young man was continually wrangling with the witness, with the judge and with his opponents. At last, the judge having ruled against him, he said, "Why, if your Honor please, you don't see my position." "Perhaps not," said the judge, "but the jury do. I advise you, young man, not to pay so much attention to the court, but keep your eye upon the jury." And he might well have added, "and the stenographer, too." It so frequently happens that after we have won a case, and counted it in, and unfortunately spent the profits, that we take up the minutes, feeling confident that there would be no reversal upon the appeal, and are surprised to find parts of the record imperfect and incomplete at certain points because the judge and witness and counsel, and it may be a juror, were all talking at once, while the poor stenographer, forgotten in the confusion, and desiring to be just to all, and unable to take all, has taken a little of each.

It reminds me very much of the perhaps inelegant but very apt story of the boy, the steer, the calf and the ox. The boy was leading a steer, a calf and an ox along the road. The steer got in front, the ox and the calf got behind—so far behind that at last the boy hitched the steer to a fence and started back for the ox and the calf. But when they saw him turn they turned

and ran, too; and the faster he ran, the faster they ran, until out of breath and completely exhausted he said, "Go on, you darn fool calf. You'll know the difference when supper time comes." So, too, it is, with those who try cases, forgetting and overlooking the stenographer. They will find the difference when appeal time comes.

Why, some people have no more idea of the limitations of a stenographer (some reference was made to it, I think, by Col. Hemstreet to-day) than the good Yankee farmer (he must have been a Yankee) who came down to New York and left his folks at home. He wanted to write a letter, and he applied to the clerk of the hotel. The clerk referred him to a man that they had, a shorthand writer, to do that work for the hotel. The farmer had never seen a typewriter, and he knew nothing about shorthand. The stenographer was in a hurry, and the farmer commenced in a very slow way. "Dear Amanda," he said. "Go on," said the young man. "I arrived safe and sound." "Go on, go on," said the stenographer. "Coming to the depot this morning—" "Now don't stop. I haven't got time to wait here all day." "Well, I'm going on, young man. The horse got very much scared at one of them horseless carriages." "Go on." "But I jest ketched tight hold of them lines—" "Now, see here mister, if you are going to stop like this, I won't take your letter. I am writing shorthand, and I can take down anything and everything you say, as fast as you can say it." "Well, take this. I ketched tight hold of them lines, and I jest said, 'Gi'-gi'-gi'-gi'-gi'-gi'—' Have you got that down, young man?"

There is one other thing that the stenographer is to the lawyer, to the business man and to the judge. He is the means and the cause of the quick way in which we dispose of business, and of the speedy termination of present-day litigations. It is to the rapidity and quickness with which the thoughts and words of man can be recorded and spread broadcast over the globe, that much of the present-day advance is due. It has been said that thought rules the world; but thought never reached its present powerful sway until the help of the stenographer was offered.

I once heard the late Dr. Storrs remark that the skill and ingenuity of man had taught the electric spark the English language. It is also the skill and ingenuity of man which has given to the pen the swiftness of speech; and to this cause may be largely attributed the vast progress which has been made in commerce and in manufacturing, the wide spread of education and of knowledge of public affairs among all classes, the high moral tone, which has come about by the circulation to all peoples, in all places, of the thoughts and words of pure and noble

men, and that universal sympathy, that truth and that justice which has marshaled the nations of the world shoulder to shoulder against fraud, deceit and treachery. Very much of the present progress in the world is due to the rapidity and the accuracy with which the thought of man can be turned into words.

Then, just before the band commences, I want to add—all these things are known to you—the fact that you are a benefit to the lawyer, the fact that you add dignity to the bench and to the bar, the fact that civilization is your debtor, are matters which you take, I think, daily into your consideration. In fact, when you present me, as some of you do, with the transcript of the minutes, I also receive the bill. But it is no mere compensation for recording the testimony. It also includes pay for the benefit which I as a lawyer and as a member of the community have received by reason of your being in existence. In no other way can I account for its size! Therefore, and lastly, may I say, the stenographer is an expensive but a very necessary luxury. (Applause.)

The TOASTMASTER: The band does not seem to have turned up for this occasion. The next toast is,

“THE LAW’S MOST ACTIVE EXPONENT—THE SHERIFF.”

We expected to have with us to-night the sheriff of Kings county, whom many of you know to be one of the most skillful wielders of the stenographic pen, but he is unable to be with us this evening owing to illness. We have with us, however, Mr. Ambrose McCall, clerk of the special term of one of the New York courts, who will now favor us. (Applause.)

Mr. AMBROSE MCCALL said:

Mr. Chairman, Ladies and Gentlemen: It is only my function to speak until the band plays, which I hope will be very soon. My introduction here to-night, to take the place of Sheriff Walton, of Brooklyn, puts me in mind of a story of two men of my own race, which is known as the Irish race. One said to the other, in a very heated argument, “What do you give to your wife at the end of the week?” He said, “When I go home on Saturday night I give my wife two dollars and a basket. You ought to see the load she brings!” The other said, “When I go home on Saturday night my wife gives me two dollars and no basket. You ought to see the load I bring home.”

Since I’ve been here I have been wondering why you called my friend Mr. McLoughlin “Reddy.” I can easily understand why you call him “ready,” because I was having a talk with my friend Mr. Nealis, and I perpetrated a joke, and on very brief notice Mr. McLoughlin made a most admirable application of it.

The joke was this: I said I had been at many dinners where I found them short-handed in regard to speakers, and when I came to a stenographers' dinner, I thought surely you would be shorthanded.

In the few moments that remain I will address myself, as far as I am capable, to the topic originally assigned to Mr. Walton. It immediately impresses my mind with the greatness of the government to which we belong. "The sheriff, the greatest exponent of the law." Think of us as citizens of the United States, when a man simply clothed with the power of law can walk into any establishment and with a little piece of paper and the badge of office stop any work that is going on. Then think of the government under which one man, with the authority of law, is the greatest exponent of the law, because he is not backed by military force or other than the law of this great government.

I cannot avoid hoping that the band will soon strike up and relieve me of a story, also told of my race. It is about an Irishman who was paving the streets on a very warm day. He was quite a favorite in the town, and the minister looking out saw the perspiration rolling from his brow, and called out of the window, "Patrick, come up here." Patrick approached, and he said, "This is a very warm day, Patrick. Would you like to have a drink?" "Well," he says, "Your Reverence, I wouldn't mind if I did." So he produced a glass and a bottle of whiskey, and Patrick poured out a pretty good drink, and handed back the bottle and glass. The minister looked at the bottle, and said to Patrick, "Don't you know that that drink is a nail in your coffin?" "Yes," said Pat, "but as long as you have the hammer in your hand, you will drive on."

I would add this, in regard to the topic before us: that I speak of it with earnestness because of the profession of the law, to which I belong. It is a topic to which a man may well give careful thought, to express, in beautiful language, as best he can, the great authority of the sheriff as an exponent of the law.

But let me say also, in all earnestness, ladies and gentlemen of this profession,—which I hope will soon be recognized by the laws of the state of New York,—that the legislature of this state, notwithstanding the veto of the mayor of the city of New York, with the sanction of the governor of the state of New York, said that the stenographers of the state of New York were not paid enough for their work, and increased their salaries. I trust that this association, which is now celebrating its twenty-fifth anniversary, will band closer together. Not only may what you term your profession be made one by the laws of the state of New York, but may every stenographer in the courts of the state of New York, and of the United States, have a larger salary—so

that the clerks may get more, of which I am one. I trust that at your next meeting you will, under the laws of the state, be considered a profession, and I wish you all good luck. (Applause and—music.)

The TOASTMASTER: Ladies and gentlemen: I always thought I loved music before, but now I think I don't. We will now proceed to the next toast on the list—"Woman." We have with us, to respond, one of the supreme court stenographers, and I never met his superior. Lady Mary Wortley Montague said she was glad she was a woman, and when asked why, she replied because she didn't have to marry one. But I do not propose to take up the time further, and I will now present to you as the speaker on this theme, Mr. Carey.

Mr. JOHN B. CAREY said:

Mr. Chairman, Ladies and Gentlemen: I didn't know exactly how to begin, so I went out and saw the bandmaster, and had a talk with him, and it was arranged that when I began he should play "Hail to the Chief," and when I got through he would play "The Rogue's March," so that you could all go home decently.

I thought you had enough by this time. It reminds me of the story of McCarty and Muldoon. Muldoon had McCarty down and was punishing him very severely, and the agreement was that the man that got enough was to shout, and when he said "Enough" the other fellow was to stop. Finally Muldoon stopped punching the other fellow, and let him up. McCarty asked him why he didn't let him up before. "Well," said Muldoon, "why didn't you say 'Enough?'" "Why," said McCarty, "you were punching me so hard that I couldn't get a chance to say 'Enough.'"

I want to say a word or two about "Woman." I see woman has been very much neglected, even in our own old sayings. We say the child is father to the man, and we talk about the Father of his Country, and even the chairman said to-night, talking about the Pilgrim Fathers, not one word about the mothers of this country. Why don't you give the woman a show? I don't think it is fair.

Now, when the stenographers held their first meeting, away back, they said, "This darned old Continental Congress is starting this country wrong. They are starting this country off with a father, and without any mother." What sort of a country is that? Did you ever see a hen with a broken wing going round corners? Just think of a half-orphan going through the world. What greater damage can you do to a man than to say, "Why, that is Mr. Jones. His father is old Jones; lives up there on the hill; but his mother—well, they don't know his mother." Or, "That is Mr. Smith; his mother lives down there, but his

father—we don't know his father." Don't you see a country is wrong when it only has one parent? It goes around through the world a half-orphan. Now that is not right. Just think of a country with its flag spreading out all over the world, and its appropriations coming down and showering its blessings on all of us, and doing it as a half-orphan.

Now when we held our first meeting we discussed that subject, and we said, "This country has got to have a mother. Now who ~~is the~~ mother?" The majority said, "Mark Hanna." From all the pictures I have seen of him he looks like a mother. But we considered it afterwards, and I suggested that there was another person who was more fit to be a mother. I suggested that the mother of this country should be Lydia Pinkham. When I take up my morning paper and see Lydia Pinkham's picture staring at me from the columns of the paper and saying to me that if I take two bottles of her medicine I will live to be the father of a family probably, I say, "Lydia, old girl, you're it!"

When this toast was first selected, the committee got together, and they said, "We will select for the toast of 'Woman,' an orator." We have one hundred and ten members in this association, and we started to select an orator. We found that we couldn't select an orator unless we passed one hundred and nine, because we were all orators. But they said, "We must make another test. Let us make the test, truth." The responsibility fell on me, and that is why I am here. Now, George Washington has passed away, but as an emblem of truth you still have me.

There are several other remarks that I wanted to make, but I think that I will cut it short right where it is. I can't say all that I might say about woman, because it would take me two hundred years, and I haven't the time to say it now.

I say, God bless her, wherever she is, at home or abroad. She is nature's best gift to man. God did his best, probably, when he made man, but He did even better when He made woman; because the poet says, speaking of nature,

*"Her 'prentice han' she tried on man,
And then she made the lasses, O!"*

I think I have said enough, and that we are tired enough to let it go. Will you tell that band to play "The Rogue's March."

Owing to the lateness of the hour, it was found inadvisable to invite any impromptu toasts. The members then returned to Brooklyn by the special cars.

OFFICERS FOR 1900-1901.

PRESIDENT.

William P. Cherry - - - Brooklyn.

VICE-PRESIDENT.

Sidney C. Ormsby, - - - New York.

SECRETARY AND TREASURER.

George A. Murray, - - - Albany.

LIBRARIAN.

Miss M. Jeannette Ballantyne, - Rochester.

EXECUTIVE COMMITTEE.

Peter P. McLoughlin, Chairman, New York.
Charles H. Bailey, Buffalo. John H. Wilson, Syracuse.
Louis Loewenstein, Troy. Henry L. Beach, Binghamton.
The President, *ex-officio*.

EXAMINING COMMITTEE.

First District,	Leopold Woodle,	New York.
Second District,	Norman P. Heffley,	Brooklyn.
Third District,	William Loeb, Jr.,	Albany.
Fourth District,	Henry W. Thorne,	Johnstown.
Fifth District,	John H. Wilson,	Syracuse.
Sixth District,	Herbert C. Murdock,	Elmira.
Seventh District,	Herbert C. Soule,	Rochester.
Eighth District,	A. B. Weaver,	Buffalo.

CONVENTION COMMITTEES.

NOMINATION OF OFFICERS.

Wat. L. Ormsby, Alvin E. Mambert, Theodore C. Rose.

PLACE OF MEETING AND JOINT MEETING IN 1901.

Spencer C. Rodgers, Charles H. Bailey, Mrs. Clara A. White.

ADMISSION OF NEW MEMBERS.

Charles H. Requa, George A. Murray, Louis Loewenstein.

PUBLICATION COMMITTEE.

Spencer C. Rodgers, George A. Murray, Arthur B. Cook.

ON DEATH OF HENRY G. SMITH.

John P. Martin, S. C. Ormsby, S. C. Rodgers.

LEGISLATION.

William Loeb, Jr., Charles P. Young, A. B. Sackett.

CIVIL SERVICE EXAMINATION.

Wat. L. Ormsby, Theodore C. Rose, Peter P. McLoughlin,
Leopold Woodle, Charles P. Young,

LICENSING OF STENOGRAPHERS.

Whitefield Sammis, George A. Murray, Peter P. McLoughlin,
Sidney C. Ormsby, John P. Martin.

CIVIL PENSIONS.

Timothy Bigelow, William Hemstreet, Whitefield Sammis.

AFFILIATION WITH NATIONAL SHORTHAND REPORTERS' ASSOCIATION.

John P. Martin, Peter P. McLoughlin, Sidney C. Ormsby.

DELEGATES TO CONVENTION OF NEW ENGLAND SHORTHAND REPORTERS' ASSOCIATION.

John E. Kelly, Charles H. Requa, Peter P. McLoughlin.

OFFICERS N. Y. S. S. A.

PRESIDENT.

1876-77 W. W. Osgoodby.
 1877-78 W. W. Osgoodby.
 1878-79 P. Deming.
 1879-80 S. C. Rodgers.
 1880-81 C. G. Tinsley.
 1881-82 Geo. H. Thornton.
 1882-83 Geo. R. Bishop.
 1883-84 Theo. C. Rose.
 1884-85 A. P. Little.
 1885-86 Wm. H. Slocum.
 1886-87 *W. O. Wyckoff.
 1887-88 E. B. Dickinson.
 1888-89 B. Moynahan.
 1889-90 Henry L. Beach.
 1890-91 Thos. R. Griffith.
 1891-92 S. C. Rodgers.
 1892-93 Geo. R. Bishop.
 1893-94 Theo. C. Rose.
 1894-95 Chas. F. King.
 1895-96 Geo. H. Thornton.
 1896-97 Robert R. Law.
 1897-98 Peter P. McLoughlin.
 1898-99 Peter P. McLoughlin.
 1899-1900 John E. Kelly.
 1900-1901 William P. Cherry.

VICE-PRESIDENT.

W. O. Wyckoff.
 W. O. Wyckoff.
 D. C. McKwen.
 Wm. H. Slocum.
 *Worden E. Payne.
 Fred M. Adams.
 A. P. Little.
 B. Moynahan.
 James M. Ruso.
 Henry L. Beach.
 Geo. C. Appel.
 John B. Murray.
 Thos. R. Griffith.
 Chas. L. Guy.
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 Geo. H. Thornton.
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 Mrs. Clara A. White.
 Peter F. McLoughlin.
 Irving C. Hutchins.
 A. B. Weaver.
 W. P. Cherry.
 Sidney C. Ormsby.

SECRETARY-TREASURER.

1876-77 C. G. Tinsley.
 1877-78 C. G. Tinsley.
 1878-79 *William F. Duffield.
 1879-80 Theo. C. Rose.
 1880-81 Geo. H. Thornton.
 1881-82 A. L. Woodward.
 1882-83 Thomas H. Griffith.
 1883-84 Herbert A. Briggs.
 1884-85 M. Jeanette Ballantyne.
 1885-86 Harvey Husted.
 1886-87 *Wm. S. Kershner, (Theo. C. Rose.)
 1887-88 Theo. C. Rose.
 1888-89 Henry L. Beach.
 1889-90 *Mrs. E. F. Rowley.
 1890-91 Mrs. Clara A. White.
 1891-92 Irving C. Hutchins.
 1892-93 Wm. Loeb, Jr.
 1893-94 Etta A. Emens.
 1894-95 Kendrick C. Hill.
 1895-96 Kendrick C. Hill.
 1896-97 Kendrick C. Hill.
 1897-98 Kendrick C. Hill.
 1898-99 Arthur B. Cook.
 1899-1900 Arthur B. Cook.
 1900-1901 George A. Murray.

LIBRARIAN—1885-98 Mrs. Eliza B. Burnz.
 1893-01 Miss M. Jeanette Ballantyne.

*Deceased.

The following meetings of the association have been held since the original call of August 18, 1876:

1. Syracuse, August 26, 1876
2. Ithaca, August 20, 1877.
3. Rochester, August 21 and 22, 1878.
4. Saratoga Spa, August 20 and 21, 1879.
5. Syracuse, August 19 and 20, 1880. .
6. Buffalo, August 24 and 25, 1881.
7. New York, August 1 and 2, 1882.
8. Watkins, August 21 and 22, 1883.
9. Laurel House, Greene County, August 19, 1884.
10. Niagara Falls, August 18 and 19, 1885.
11. Caldwell, August 17 and 18, 1886.
12. Alexandria Bay, August 16 and 17, 1887.
13. Caldwell, August 21 and 22, 1888.
14. Alexandria Bay, August 20 and 21, 1889.
15. Mountain House, Greene County, August 19 and 20, 1890.
16. Rochester, August 18 and 19, 1891.
17. Saratoga Spa, August 25 and 26, 1892.
18. Niagara Falls, August 24 and 25, 1893.
19. West Point, August 23 and 24, 1894.
20. New York, August 22 and 23, 1895.
21. Syracuse, August 27 and 28, 1896.
22. Ontario Beach, August 26 and 27, 1897.
23. Albany, August 25 and 26, 1898.
24. Elmira, August 24 and 25, 1899.
25. Brooklyn, August 23 and 24, 1900.

ACTIVE MEMBERS.*

Agan, Lillian E.	Penp Yan
Anderson, William	1169 Dean St., Brooklyn
Bailey, Charles H.	1688 Ellicott Square, Buffalo
Baker, Fred A.	Criminal Court Building, New York
Balch, Charles W.	99 Nassau St., New York
Ballantyne, Miss M. Jeanette	416 Powers Building, Rochester
Barnum, Charles	Menticello
Beach, Henry L.	Blaghamton
Beard, Frank S.	Criminal Court Building, New York
Bensley, Mark F.	99 White Building, Buffalo
Benton, L. A.	Hornellsville
Betts, George L.	County Court House, Brooklyn
Bigelow, Timothy	Room 49, County Court House, Brooklyn
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Boland, Frank T.	Regents of the University, Albany
Bonynge, William F.	308 Broadway, New York
Bonynge, Clarence	St. Paul Building, New York
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Burrill, Thomas	19 Municipal Building, Brooklyn
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Carroll, Edward, Jr.	56 Pine St., New York
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McEwen, Daplel C.....	160 Stirling Place, Brooklyn
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McLoughlin, Edward J.....	103 Garfield Pl., Brooklyn
McWatters, Mrs. Marie Wilson.....	112 E. 17th St., New York
Mambert, Alvin E.....	Court House, Troy
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Mehan, Miss Rose J.....	78 Eagle St., Troy
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O'Neill, Louis F.....	County Building, Albany
Ormsby, Senter H.....	Court House, Brooklyn
Ormsby, Sidney C.....	150 Nassau St., New York
Ormsby, Wat. L.....	Room 49, County Court House, Brooklyn
Ormsby, Waterman L., Jr.....	267 W. 11th St., New York
Osborne, Thomas W.....	32 Franklin St., New York
Osgoodby, Wm. W.....	717 Powers Building, Rochester
Pagan, C. F. H.....	300 Mulberry St., New York
Parsons, Clarence A.....	55 Liberty St., New York
Potts, John R.....	150 Nassau St., New York
Rawle, Joseph N. B.....	State and Court Sts., Brooklyn
Readshaw, Benj. W.....	128 Bird Ave., Buffalo
Redfern, Caleb R.....	24 W. 26th St., New York
Reilly, John F.....	Brooklyn
Requa, Charles H.....	Room 49, County Court House, Brooklyn

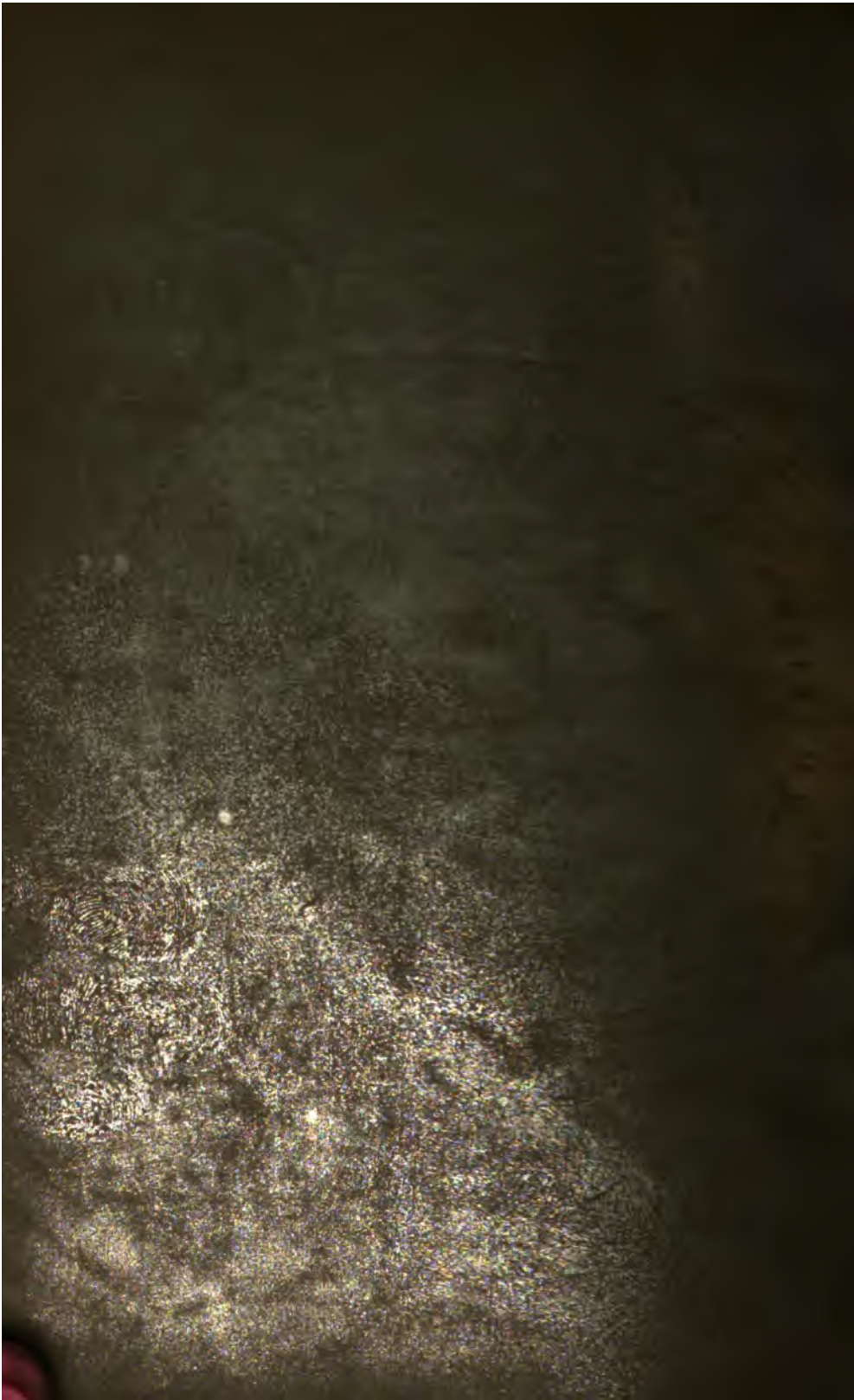
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Ruso, James M.....	Tweddle Building, Albany
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Zieger, George.....	170 E. 121st St., New York

HONORARY MEMBERS.*

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Gardner, Stanley.....	McKeesport, Pa.
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Walch, Henry F.....	Grand Rapids, Mich.
Whitford, Wm.....	Columbus Memorial Building, Chicago
Wright, William B.....	82 Devonshire St., Boston
Zeibig, Julius.....	Dresden, Saxony

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WILLIAM P. CHERRY,

President New York State Stenographers' Association.

PROCEEDINGS
of the
NEW YORK STATE
Stenographers' Association,

**INCLUDING PAPERS READ,
DISCUSSIONS, ETC.,**

at the
Twenty-sixth Annual Meeting

held at the
**NEW YORK STATE BUILDING, PAN-AMERICAN EXPO-
SITION GROUNDS, BUFFALO, N. Y.,**

August 22, 1901.

ALBANY, N. Y.:
WEED-PARSONS PRINTING COMPANY, PRINTERS.
1901.

100

St. Louis

REPORTED BY GEORGE A. MURRAY, ALBANY, N. Y.

N. Y. S. S. A.

TWENTY-SIXTH ANNUAL CONVENTION.

PROCEEDINGS.

The twenty-sixth annual meeting of the New York State Stenographers' Association was held at the New York State Building, Pan-American Exposition grounds, Buffalo, on Thursday, August 22, 1901. The following members were present:

ACTIVE MEMBERS.

BAILEY, CHARLES H.....	Buffalo.
BALLANTYNE, MISS M. J.....	Rochester.
BISHOP, GEORGE R.....	New York.
BOOTH, WILLIAM C.....	New York.
CARROLL, JR, EDWARD.....	New York.
CHAPIN, ROBERT C... ..	Buffalo.
CHERRY, WILLIAM P.....	Brooklyn.
CRAGIN, IRVING F.....	Buffalo.
EMENS, MISS CORA M.	Rochester.
EMENS, MISS ETTA A.....	Rochester.
GRIFFITH, THOMAS R.....	Rochester.
HILL, KENDRICK C.....	New York.
LAW, ROBERT R.....	Cambridge.
LOWENSTEIN, LOUIS.....	Troy.
MARTIN, JOHN P.....	New York.
MURRAY, GEORGE A.....	Albany.
McLOUGHLIN, PETER P... ..	New York.
ORMSBY, SIDNEY C.....	New York.
ORMSBY, WAT. L.....	Brooklyn.
READSHAW, BENJAMIN W.....	Buffalo.
REQUA, CHARLES H.	Brooklyn.
RODGERS, S. C.....	Troy.
ROSE, THEODORE C.....	Elmira.

THOMAS, WILLIAM M.....	Albany.
THORNTON, GEORGE H.....	Buffalo.
WEAVER, A. B.....	Buffalo.
WHITE, MRS. CLARA A.....	Elmira.

HONORARY MEMBERS.

ANGUS, GEORGE.....	Toronto, Can.
BEALE, CHARLES C.....	Boston, Mass.
BRIDGE, REV. WILLIAM D.....	Orange, N. J.
BURBANK, MISS CORA E.....	Boston, Mass.
CAMPBELL, JAMES D.....	Spartanburg, S.C.
DEMMING, HENRY C.....	Harrisburg, Pa.
DUKE, BUFORD.....	Nashville, Tenn.
HEAD, ARTHUR.....	Towanda, Pa.
SCHRADER, LOUIS E.....	Wheeling, W. Va.
SMALL, REUEL.....	Portland, Me.
WALKER, CLARENCE E.....	Louisville, Ky.
WHITFORD, WILLIAM.....	Chicago, Ill.

Many members of the National Association were present, as were a goodly number of other visitors.

FIRST SESSION.

August 22, 1901, 10:30 a. m.

President Cherry upon calling the convention to order, said:

Ladies and Gentlemen, Members of the New York State Stenographers' Association, and Visiting Members: The twenty-sixth annual convention of the New York State Stenographers' Association is now opened, and I take pleasure in calling upon the Rev. Adelbert L. Hudson to make the opening address on behalf of the city of Buffalo.

Rev. ADELBERT L. HUDSON welcomed the association, as follows:

Mr. President, and Members of the Association: It is a great pleasure to me to meet with so many official stenographers off duty, when one is not afraid of the "record." Before I became a minister I was a practising lawyer for a great many years, and always when I had let fall some bit of absolute nonsense, I was sure to find it in the official record.

I once asked a newspaper reporter what he regarded as good news, and got the very prompt reply, "Things which ought never to have happened." Sometimes in looking over the official record it has seemed to me that stenographers considered their duties to consist in taking down things which ought never to have been said.

There is, moreover, great pleasure in meeting you as men and women who emphasize the professional idea; for nowadays every

line of occupation, and yours no less, is affected by amateurs, whose influence tends to defeat the highest and best ideals of all professions. In meeting you I know I am in the company of professional men and women, who stand for accuracy, thoroughness and honest work.

I confess to having suffered a little myself from amateurs. I was asked once to deliver an address of welcome to a body of woman suffragists that were coming to my city. My friends, knowing very well I was not in sympathy with their ideas, said to me, "Mind you, be a little careful and do not express exactly your sentiments on the question of suffrage, but say something nice and pleasant to the women." So I tried, and among other things I said to them, in rather a guarded way, that if I had the absolute power I should take the ballot away from some of the men and give it to some of the women. And my good friend, the amateur reporter, represented me the next morning in the columns of a daily paper as having remarked that if I had the power I would take the ballot away from the men and give it to the women, which was not exactly the idea I had intended to convey.

Do not misunderstand me. I do not mean that mere mechanical accuracy makes the professional in your business or any other. It requires a deep and thorough culture, not merely by reading, but by coming into touch with all lines of experience that touch your own. The true professional must know the finest and best in the civilization of the past, must have studied and sympathized with the present, must look forward with hope to the future, must comprehend the spirit and progress of his age. (Applause.)

I once had in my office a stenographer who was very accurate, but absolutely bound to the rules of the profession. One day I had occasion to prepare a historical paper for a literary club to which I belonged, and not wishing to run the risk of inaccuracy, which attends all extemporaneous speaking, I called my painfully mechanical friend. In the course of the dictation I had occasion to refer to Hume and Gibbon in the same sentence. He stopped me and said: "Mr. Hudson, is that a firm? because, if it is, you know I have to use the sign '&' instead of spelling it out." (Laughter.)

So I explained to him that Messrs. Hume and Gibbon, so far as I knew, had never formed any partnership, but were rivals in the same line of business.

Sometimes the accuracy and thoroughness of a stenographer are humiliating to an extemporaneous speaker. I think the severest criticism I have had in my work here in the ministry is the absolutely verbatim report I get from brother Bailey from time to time, in which I see just what I said and how I said it. Justice, however, is sometimes tempered with mercy in the form of a little bit of judicious editing on the part of the stenographer. For instance, occasionally in the course of a sermon I desire to make some quo-

tation which I have not had opportunity to verify — and that reminds me of the story of the law student, who on starting away to school went to an old lawyer for a few last words of advice. He came rather tremblingly into the office and said, " Mr. Blank, I am just going away to school, and I know you have taken a great interest in me and knew my father, who is dead, and I thought I would come to you for a few words of advice before I went away. Is there anything you would like to say to me?" The old lawyer looked up and said, " Young man, always verify your references!" Well, that was good advice, but not exactly what the student had been expecting. He thought the lawyer would tell him something about the underlying principles of the law and give him some advice that would sink down deep in his heart, so he again said, " Mr. Blank, is there anything else you would like to say to me before I go away?" The old lawyer again looked up and said, " Young man, always verify your references!" Then he went on writing. The young man was a good deal disappointed, but he knew that the old lawyer must have something to say to him that touched upon the deeper aims and purposes of the legal profession, so he again said, " Mr. Blank, haven't you anything else to say before I go?" The old lawyer looked at him rather sternly, and said, " Young man, always verify your references!" That is all he had to say. The young man found afterwards that he had said the pivotal thing, the thing that is absolutely essential. And so sometimes, when I have failed to verify my references, and in an off-hand way have quoted to my congregation what Mr. Emerson said or what Mr. Browning said, and mixed in a little of what Mr. Hudson would have said, I come home, and my wife significantly remarks, " My dear, that was a very beautiful quotation, but I do not think it is exactly what Mr. Emerson said." Then the report comes in and I find that it shows, not what I said, but exactly what Mr. Emerson said, and I know that Bailey has a good phrase book and has verified his references.

These seem to me the two important points in your profession: accuracy in detail joined with broad and thorough culture. I believe that your association is doing much to stimulate a demand for such professional excellence, and I am glad to speak to you a word of welcome and of appreciation of the ideals for which you stand. (Applause)

The PRESIDENT: Mr. McLoughlin will respond on behalf of the association.

Mr. McLOUGHLIN: Rev. Mr. Hudson, Ladies and Gentlemen:

On behalf of the association I thank the reverend gentleman for his kind words of welcome, as well as for his tribute to our profession. Since coming to Buffalo we have had many surprises. We have known of Buffalo as a city that had given us its Mayor to be

President of the United States. We had heard that you had made of a mere court stenographer an United States District Attorney; but more surprising than all, we come here this morning to find that out of a practising lawyer you make a minister of the gospel. We do not know what may happen next, except we suggest that Bailey is handsome enough to be sent to Congress. We have been impressed, since coming here, with the beauty of your city, with its magnificent boulevards studded with palatial residences.

We feel that our association has been very fortunate in its choice of a meeting place. This visit will give us all a chance to see the greatest natural attraction of our State—the mighty cataract of Niagara. The ceaseless roar of those rushing waters has been the wonder of the millions who have gazed upon them, and inspire us with a feeling of awe, as we contemplate the majesty and power of the ruler of us all, without whose will not even a sparrow falleth.

Buffalo has been overlooked to some extent, by reason of its location in the same State as the metropolis, but her healthy climate, her commanding position as a trade centre, her rank as the eighth city in a nation of big towns should be, and will be, after this year, more appreciated by the country at large. This grand exposition, which we are all enjoying, is her enterprise. Her wealth promoted it; many of its builders are her architects; its officers and directors are her citizens, and one can see the evidence of their public spirit on every hand. The magic power which turns darkness into day in these exposition grounds, comes from the great cataract at her doors. Add to all that the fact that Buffalo has within its borders a corps of stenographic reporters, that for speed, endurance and money making cannot be excelled in the country, and then can you doubt that she will soon become the metropolis of the western country. We are all glad that we told the conductor to "put us off at Buffalo." We will remain with you a few days, and we hope to so conduct ourselves as not to be introduced to any of your judges in their official capacity. We thank you very much for your kindly welcome.

The PRESIDENT: Next in order is the President's address, of which he will now proceed to relieve himself.

PRESIDENT'S ADDRESS.

"One thing is forever good;
That one thing is Success."

TWENTY years have passed since the New York State Stenographers' Association met in Buffalo, and in those years our association has worthily earned the place it now occupies in the shorthand world. To the architects and builders of this home of shorthand writers every one of our profession, be he one of our

family or not, owes a debt of gratitude that is increasing every year. Not a year passes but something is accomplished for the good of our profession by individual as well as concerted action, tending towards our advancement and the better recognition of this still somewhat awe-inspiring work of ours. That our association is of undisputed financial benefit to its members is demonstrated every year by the work of our ever vigilant legislative committee. No better argument as to the desirability of belonging to our association is needed than a statement of the work in the years past by this committee. One instance will suffice for these opening remarks. A most objectionable bill was introduced during the last session of our Legislature, which by its terms cut our salaries just about in half. The injustice of this bill was largely unappreciated because of its absurdity, but in that very element lay its danger because many of our own body, as well as those outside of it, refused to take the bill seriously or do anything more than ridicule its author. But our watchful, unsleeping Albany members exposed its iniquity, and soon had the curfew rung on it.

Our printed proceedings every year are sought after, and contain much of interest to every one connected in any way with shorthand writing. The papers submitted are always well prepared and on up to date topics. It is well worth while to read over our proceedings of previous years. It seems hard to members of the N. Y. S. S. A. to realize now that a few years ago members of our profession were discussing very earnestly the advisability of stenographers being appointed as officials in courts of record; and as late as November, 1900, I understand, the shorthand reporters of Chicago passed a resolution asking the judges not to appoint official reporters on the ground that it created a monopoly. The reading of the papers that have been submitted in the past by men like Bishop, Rodgers, Heffley and others, is an education in itself, and show much research and depth of thought. The quality of these articles is one of the main factors contributing to the longevity of our association.

The years that have passed since our last meeting in Buffalo have seen many advances in our work and the facilities for getting it out. We hear no more heated arguments as to the advantage of using a typewriting machine, nor as to the superiority of the Caligraph over the Remington. The typewriting machine has now its established position; and the number of different machines precludes a discussion of their relative merits in a two days' convention. As in other lines of business, electricity has entered our domain, and we now have electric typewriters and the phonograph. The older members of our association can well recline in their comfortable office chairs, and realize with a sigh of relief that the days of pen copyists are over. But we still have our troubles. We may hear but little now of "reformed spelling," but we have

enough to do to reform the spelling of some of the graduates of our schools who passed with high percentages. It cannot be impressed too strongly upon the teachers, not only in the shorthand schools but in our public schools, that a large number of their graduates are poor at spelling. The spelling-bee is a thing of the past, but it is one we wish could be recalled.

This may perhaps lead to a discussion of the question as to whether it is worth while to devote the time that is being devoted to shorthand classes in our public schools, both day and night. I am informed that the introduction of shorthand in public schools was tried as an experiment some years ago in Chicago, and it is now taught in many of the high schools throughout the states. To quote from a writer on the subject:

"Many of the young people in the night schools who seek to become possibly Supreme Court stenographers or congressional reporters are woefully deficient in their knowledge of grammar school English. The subject is itself one of the most fascinating, and is consequently one of the most dangerous to teach in conjunction with other branches."

Would it not be well to give a more thorough course in etymology, and let those who desire to study shorthand take it up in one of the schools where more attention is given to it than can possibly be given to it in a public school?

Your Committee on Civil Pensions, I understand, has a report to make, as well as some suggestions on the subject.

In these few remarks I cannot refrain from congratulating the association on their good fortune in having so able and efficient an officer as the secretary. During the past year, by his efforts, the association not only has wiped out an indebtedness, but now has a handsome balance in the bank. I hope that before the meeting is over every one present will make it their personal business to show our secretary that his work is appreciated. Since our last meeting the Angel of Death has again knocked at the doors of our home, and taken from us William C. Huson, stenographer in the Supreme Court, First Department, and James J. Noonan. With Mr. Huson I was personally acquainted for years, and although he is now among the unseen and unheard in God's Acre, he will long be remembered by his friends and associates.

The old philosopher must have had a presiding officer in mind when he wrote, "A man is given two ears and one mouth as a token that he is to do twice as much with one as the other." I will obey this admonition, but I trust that the rest of the members present and our visitors will air their views and give us the benefit of their experience and wisdom; so that when our convention adjourns we may depart feeling that we have gained largely in the acquisition of knowledge and friends

The PRESIDENT: It gives me pleasure to be able at this meeting of our association to call upon a man so well known and so well recognized throughout the United States as the new President of the National Shorthand Reporters' Association. He needs no introduction. Mr. Small, I take pleasure in calling upon you.

Mr. REUEL SMALL: Mr. President, and Members of the New York State Stenographers' Association: I think your worthy President must have suffered at some time by being called upon suddenly for a speech; because, just before calling this meeting to order, he very kindly came and notified me that he should call upon me, and I wish now to thank him for so doing.

I believe this is the first time that the New England Association has set foot on the parent soil of New York, but I hope it will not be the last. I trust that we have so behaved ourselves that we may get another invitation, and we certainly shall be very much gratified if we can have the New York Association some time meet us upon New England ground.

I speak of New York as the "parent soil," because I believe she is the pioneer in about everything that pertains to shorthand. In court reporting, however, I claim that Maine stands a good second. I recollect that in the fall of 1866, Gen. George F. Shepley, afterwards a judge of the United States Court for the First Circuit, told me that he had just been examined as a witness in a trial in New York city, and that his testimony had been reported in shorthand by a stenographer appointed by the court, and who by law was a regular court official. He was very enthusiastic over the ease and rapidity with which the trial went off, so different from the system then in vogue in our state, and I suppose in others, when we had to wait for the slowest of three, and frequently five, men to write down the testimony. Gen. Shepley said he was going to draft a bill substantially like the New York statute authorizing court reporters, and introduce it in the next Legislature. He did so, and the bill was passed in the winter of 1867; from that time to this we have had shorthand reporters in all of the courts of record in Maine. So in that particular we followed New York pretty closely.

I believe your association was organized in 1876. I have followed its proceedings with a great deal of interest for a number of years. Many of its members have a national reputation. Why, down our way when the names of such men as Rodgers, Bishop, Rose, Little and some others are mentioned in the presence of a stenographer, it creates some such feeling in his breast as it does to mention the name of one of the fathers of the republic. They know, of course, that these men are not dead; they know that they are to-day doing the best work of their lives, but they have a niche in the stenographic hall of fame that is imperishable, and it will need no committee to give them a place among the one hundred.

Some shorthand associations are born to live, while others are

born to die. I suppose those that die early serve some useful purpose. The New England Association had an attack of anæmia and was in a comatose condition for about three years, but it is once more upon its feet, and we trust will live to a ripe old age. In the case of the New York association I regard it as an apt illustration of that principle inherent in all evolution — the survival of the fittest. (Applause.)

The PRESIDENT: The opening session of all our meetings is perhaps one of the least enjoyable, but we will reverse the order of the menu and start in with dessert, the pleasant part of it. It gives me pleasure to call upon Col. Demming to respond on behalf of the Pennsylvania State Association.

Col. HENRY C. DEMMING: Mr. President, I thank you because you did not give me any previous notice at all. Therefore, I have permission to speak as I please.

When the stenographers of Pennsylvania come to the state of New York they come as sitting at the feet of Gamaliel. But while we sit at the feet of Gamaliel, we believe we are ahead of you as to shorthand; that is, we have had shorthand writers in Pennsylvania more years than you have had in the state of New York. I thought, when the first school of shorthand was opened in Philadelphia, it preceded all other shorthand in the United States; but it seems there was shorthand writing even before that school was opened, because a few days ago I was looking at some of the treaty papers made by William Penn and others with the Indians, and I noticed that one Indian, in signing his name, Flying Bird, made a cross, resembling a bird with outstretched wings. Another, Chief Straight Stick, made a straight line. Those were specimens of shorthand much earlier than any others in this country.

If it had not been for the New York Association, I think we would not now have a National Association; and if we had not a National Association, I doubt very much if we would have a Pennsylvania State Association; so that by the organization of the New York Association, and the continuation of that organization, you have done a great deal more good than perhaps you thought.

We have already had practical benefits from organization in Pennsylvania. At the last session of the Legislature some one introduced a bill that when any shorthand reporting was done in which a county, or city co-extensive with a county, was interested, the transcript should be made without charge. As soon as I learned of this, I made up my mind that if the bill were passed and became a law, the stenographers of Pennsylvania would have at least \$5,000 less income in the aggregate than they had the year before. So we set to work to try and defeat the bill through our organization, and, although it had passed the House practically by a unanimous vote, and we had not been apprised of its existence

until just before it appeared in the Senate, through our organization we were enabled to defeat it in the Senate, and so effectively that it produced more temporary excitement in that body than anything that happened there during the last session of the Legislature. Therefore, we have already derived great benefit practically from organization. As I have said, I believe our organization is indirectly due to the existence of the New York State Stenographers' Association, the best of any state I know of — excepting now, perhaps, the Pennsylvania state organization.

I thank you, Mr. President, that we are permitted to be present, for I know you will have a very interesting and profitable meeting. (Applause.)

THE PRESIDENT: Organizations are like individuals. Individuals, men particularly, always like to be flattered. Therefore, at our opening session we always call upon our visitors to do the right thing. We have had samples of it, and it now gives me pleasure to call upon Mr. Beale, as representing the New England Association.

MR. CHARLES CURRIER BEALE: Mr. President, Ladies and Gentlemen: The old saying is that the last is the best of all the game, but I am afraid Mr. Cherry started at the wrong end this time, because, after you have heard from our President — our two times President, President of the New England Association and President of the National Association, and then from the President of the Pennsylvania Association, I fear I shall make a very poor showing. I wish I had words to express my feelings towards the New York State Stenographers' Association. With the exception of Col. Demming and the ever faithful Mr. Head, I think I have attended as many of the New York State Association conventions as any stenographer now living outside of the Empire State, and I am sure that no one, and I will not except even the two distinguished stenographers I have mentioned as exceeding me in attendance, has appreciated more or enjoyed more the entertainments which have been given to us in the way of both mental and physical pabulum; the splendid banquets which we have attended and which we have sometimes made vain attempts to equal; the flow of oratory that seems to be inherent in the stenographers and the other residents of this State; the papers which have been read to our edification, and the discussions from which we have learned so much and which have enabled us to go on in our own pathway to imitate and do likewise as much as we could. All these are so well known it is almost useless for me to repeat them. I will say, however, it seems to me that the stenographers of this country who believe in organization owe their inspiration, almost exclusively I may say, to the glorious record of the New York State Stenographers' Association. The most prized posses-

sion that I have — and I am, as you all know, a crank on shorthand literature — the most prized possession I have in my library is a complete file of the New York State Stenographers' Association reports. I presume that there are very few active members of the association even who can say that. Mr. Rodgers very kindly helped me out by giving me three of the very rarest volumes, and, as he knows, in order to complete my file I had a carefully type-written copy made of the whole of one year's proceedings. That will perhaps show you how highly I value the records of your transactions.

We in New England have tried largely to base our methods of operation and procedure upon those adopted by your association. For two or three years unsuccessful efforts were made in our State Legislature to obtain more favorable legislation. I went last year to Brooklyn and attended that splendid convention ten stories in the air, and that fine banquet at Brighton Beach. I was told by some of the Brooklyn stenographers of their success in getting their compensation increased, and it stimulated me so that I tried again, for the third time, and I am happy to say that this year, by the co-operation of several of our leading reporters, we succeeded in getting through a bill in Massachusetts which is eminently satisfactory to those who were previously unsatisfied.

I do not know that I can add anything in the way of eulogy to what has been previously said. As an honored Senator from our own State said of Massachusetts in the halls of Congress, so I say of the New York State Stenographers' Association, changing the language, but not the thought: The New York State Stenographers' Association! It needs no encomium. Its history is your history; and its deeds speak for themselves! (Applause.)

The PRESIDENT: The gentlemen whom I have already called upon are perhaps further removed from us than the man whom I now understand is in the room. It gives me great pleasure to call upon Mr. George Angus, as representing Canada, to say a few words. (Applause.)

Mr. GEORGE ANGUS: Mr. President, Ladies and Gentlemen: It gives me, indeed, very great pleasure to be present at this convention. I have never had the privilege of attending one before, and when I came across the line and found that I was the only Canadian present, and that I had gotten into a body of distinguished reporters, many of whom were a great deal older than myself, I almost began to tremble. But I have received such a hearty welcome from the reporters whom I have met here that I have felt quite at home among you.

I have always understood that the New York State Stenographers' Association was the foremost association in America, if not in the world. Last year I had placed in my hands a copy of

your proceedings, bound with a silver cover. I said to the gentleman who handed it to me: "What a peculiar cover; what does it mean?" He said: "This is the silver wedding or anniversary of the New York State Stenographers' Association."

I think sometimes that we hardly appreciate the great value of association, and I have often thought that the great locomotives that travel up and down our land are good illustrations of association. If we go into the assembling room of any large locomotive works and see the different parts distributed here and there, we have little appreciation of the power that is lodged therein. When we see the locomotive assembled and placed upon the track, we have some little idea of its power, and then, when we see the power applied, in the form of steam, to that locomotive and see it carry along over the steel ribbons, from one end of the land to the other, great tons of burden, we have, I think, a still greater appreciation of the value of association or assembling together. America is the assembling room of the stenographers. Disjoined and not associated, they can do but very little. Assemble them and place them in union with one another and put vital life and animation into them, a very great deal can be accomplished.

It might not be out of place for me at this time to say a few words with regard to our association on the other side. I know many of you are familiar with it, but some might not be. We have on our side of the line formed the Chartered Stenographic Reporters' Association of Ontario. In 1891 our present Premier, the Hon. G. W. Ross, who was at that time Minister of Education, took hold of a bill on behalf of the reporters, and was the means of having it carried through the Legislature. We have in that association a council of nine members, three of whom retire every year. I should say first that all of that council is elected for three years, every year three members retire and three new members are elected. The officers of the association are elected from among that body, and they form the executive body of the association. Our aim has been to secure, if possible, the recognition of our association in such a way that all official positions held in connection with our courts, and in other ways, should be held by members of our association. We have thus far not been able to have that realized, but we hope in the future to be able to say to you that we have secured that.

I do not know, sir, that I can say anything more that would be of interest to you. I might say that we hold our annual meeting on the last day of this month in Toronto, and we would be pleased to have any of you who possibly can attend that meeting. I thank you, sir. (Applause.)

Mr. BISHOP: May I ask a question right now? I did not understand to whom the gentleman accredited the getting of the bill

through for the organization or establishment of that chartered association.

Mr. ANGUS: Hon. G. W. Ross, the Minister of Education at that time, was practically the father of our bill.

The PRESIDENT: At this point I think it would perhaps be well to appoint committees on admission of new members and on nomination of officers. On admission of new members I will appoint Messrs. Carroll, Thornton and Loewenstein. On nomination of officers I will appoint Messrs. Rodgers, Bishop and McLoughlin.

Next in order is the report of our Secretary-Treasurer. He has been working hard now for a little while, and it will give him a chance to catch up.

The Secretary-Treasurer presented his annual report, as follows:

SECRETARY-TREASURER'S REPORT.

To the Officers and Members of the Association:

I herewith submit my annual report, as follows:

RECEIPTS.

Dues from 103 active members for 1900-1901..	\$515 00	
" 56 " " " 1899-1900..	168 00	
" 1 " " " 1898-1899..	3 00	
Donation from A. L. Woodward.....	6 05	
Sale of proceedings.....	8 00	
		<hr/>
		\$700 05

EXPENDITURES.

Weed-Parsons Printing Co., balance due for printing proceedings of 1899	\$45 67	
Weed-Parsons Printing Co., for printing proceedings of 1900, 1,000 copies.....	267 25	
Postage, sending out proceedings and correspondence during year.....	38 05	
Circular letters, printed.....	7 50	
1,500 letterheads for president, vice-president and secretary... ..	7 50	
1,000 envelopes for secretary.....	4 50	
500 clasp envelopes for mailing proceedings ...	6 00	
Half-tone cut, expressage, telegrams, &c... ..	6 42	
Receipt books, stationery, &c.....	3 50	
		<hr/>
		386 39
		<hr/>
Total receipts	\$700 05	
Total expenditures.....	386 39	
		<hr/>
Balance on hand.....	\$313 66	
		<hr/>

Total number of active members enrolled.....	143
Total number who have paid dues for 1900-1901	103
Total number who have not paid dues for 1900-1901.....	40
Total number who have not paid dues for 1899-1900....	17
Total number members resigned since last convention...	13
Total number members deceased since last convention .	3
Total number new members since last convention.....	7
Balance in treasurer's hands.....	\$313 66
Balance in librarian's hands.....	6 00
Total balance cash on hand.....	<u>\$319 66</u>

The association may congratulate itself upon the unusual financial condition in which it finds itself. In 1895 the secretary-treasurer of the Iowa Stenographers' Association stated in her report that the treasurer's report of the New York State Stenographers' Association showed a deficit of some \$36 (but which she was kind enough to say was liquidated at our convention), and added that the Iowa association "had not as yet gotten into as deep water." The Iowa report showed a balance on hand of eight cents! In view of the present condition of the treasury, it will probably not be necessary to levy more than a nominal assessment for the ensuing year.

It is suggested that we ought to exchange proceedings with all other state associations, and also with the National Association. If this be carried out it will, of course, require an increase in the number of copies printed.

The past year has emphasized what important results may be achieved by the association. Many of the members present are already aware of the fact that at the last session of the Legislature there was introduced a bill very materially affecting practically all of the court reporters in this state. This bill, however, never came out of the committee to which it was referred, but I believe I am safe in saying that were it not for the prompt and active interest taken by the executive committee, with the aid of the members in general, in properly presenting the matter to the members of the Legislature, the bill would, in all probability, have become a law. In order that the association may successfully cope with just such matters it is essential that the members keep up their interest.

There are at present 40 members in arrears for dues of this year, and 17 for dues of last. The former have received four, and the latter seven notices from this office notifying them of their delinquency. Article V., Section 1, of the By-Laws, provides: "If any member fail to pay the amount of his assessment within sixty days after notice by mail shall have been served upon him by the secretary, it shall be the duty of the secretary to serve upon him, by mail, an additional notice that unless the same be paid within one month thereafter the name of such member shall be stricken from

the rolls; and, in default of payment at or before the expiration of that time, his membership and all rights in respect thereof shall cease."

While the above very clearly states the procedure in the case of defaulting members, your secretary feels that the members in convention should take this matter under consideration, and take some definite action upon it, for the guidance of my successor in office and for the sake of fairness to those who do pay. This subject, as I understand, has been under discussion, but without action, at several of our meetings.

I am especially gratified to report that I am authorized by a responsible member of the association to state that, being desirous of having the association place itself upon a more practical and useful plane, whereby it may be possible to aid deserving members, he pledges himself to contribute \$500 as the nucleus of a fund of \$10,000, to be subscribed by the association at this meeting. Soldiers, firemen, and others have their "Homes" — why should not the stenographers? The time may come to any of us when we may become dependent, and the association will be happy to extend its mite. I trust that at the appropriate time this matter will receive the consideration that its generosity merits.

Mr. BISHOP moved the acceptance of the report of the secretary-treasurer, and that it be ordered placed on file. (Carried.)

The PRESIDENT: The next in order of business is the report of the librarian, Miss Ballantyne.

The librarian presented her annual report, as follows:

REPORT OF THE LIBRARIAN.

"There is beauty everywhere."

Amid the stately display of grandeur which meets the eye in every direction of this great Pan-American Exhibition, representing as it does the deepest delving in science, the highest attainments in art, the grandest achievements in mechanism, the best productions in horticulture and the rarest and purest gems to be found in the civilized world, are we met together to chronicle the events of the past year at our first annual meeting of the association, convened in the early dawn of the twentieth century.

The librarian reports as follows: Additions to the library: From Mr. Charles C. Beale, *Manual of Free-Hand*, compiled by John R. Free, 1895. *Elements of Tachygraphy*, Author, David Phillip Lindsey, 1881. *The Dictator*, *Monthly Shorthand Magazine* (bound), Editor, Charles C. Beale, 1899. From Mr. S. C. Rodgers, *Copies of Proceedings for Reserved Supply* as follows: 1895, 17; 1897, 11; 1898, 50; 1899, 60. From Mr. George A. Murray, *Secretary and Treasurer*, *copies of Proceedings for Reserved Supply*, as follows: 1900, 90.

The librarian has completed the files from the "Corner Pile" as far as possible and balance from reserved supply of the following members: Messrs. William P. Cherry, Wat. L. Ormsby, Senter H. Ormsby, Sidney C. Ormsby and Louis Loewenstein, and by the order of Col. Henry C. Demming sent a copy of Proceedings of 1895 to Mr. Samuel B. Fought, secretary and treasurer of the Pennsylvania State Stenographers' Association.

Financial statement:	Cr.	Dr.
From the sales of proceedings.....	\$4 50	
Balance in hands of the librarian from 1900.....	4 10	
Total	\$8 60	
Expenditures.....	2 60	
	\$6 00	
Postage.....		\$1 60
Express charges.....		1 00
Total..		\$2 60
Leaving a balance in the hands of librarian of....	\$6 00	

The librarian has received several calls for proceedings of the earlier years of the association, which she has been unable to furnish.

Loan of books: The first call for books from the library was from Mr. Charles C. Beale, of Boston, as follows: Three Copies of the American Shorthand Writer, Rowell & Hickok. Stenography or a Complete System of Shorthand, Alexander H. Thompson. The Court Stenographer, P. Deming. Three Bound Volumes of the Shorthand News, and seventeen odd numbers, Brown & Holland. Orthography Became Phonography, Jas. P. Hart. Systematic Shorthand, Jas. L. Fish. Transactions of the London Shorthand Congress. Kimball's Popular Shorthand in a Nutshell. Stenographic Directory, Frank R. Miller. Bound Volume of the Reports of N. Y. S. S. A. from 1878 to 1889. Philadelphia Stenographer, three numbers of vol. 1; fourteen odd numbers and bound vol. No. 2, all of which have been returned to the library. Mr. Beale has also kindly relieved the librarian of the "Corner Pile," paying express charges on the same.

Visitors to the library: Mr. Milton F. Stauffer, of the Temple College; Miss Martha K. Miller, of Waco, Texas; Mr. T. C. Rose, of Elmira, and Mr. T. R. Griffith, of Rochester.

"Nothing great is lightly won,
Nothing won is lost;
Every good deed nobly done —
Well repays the cost."

Faithfully submitted,
M. JEANETTE BALLANTYNE,
Librarian.

ROCHESTER, N. Y., August 20, 1901.

Mr. BISHOP moved that the report be received and placed on file. Carried.

Mr. BISHOP. I would inquire whether it may not be an appropriate time to make a motion, which is usual at our meetings, that in any discussion that may follow on papers, etc., the stenographers present who may not be members of the association are invited to participate. If it is a proper time, I make that motion now.

Seconded by Mr. Carroll, and carried.

The PRESIDENT: The next in order of business is the report from the Committee on Civil Service Examinations, Mr. Wat. L. Ormsby, chairman. The secretary will read the same.

The secretary read the report following:

BROOKLYN, N. Y., August 10, 1901.

To the State Stenographers' Association:

As Chairman of the Committee on Civil Service Examinations, I respectfully report that, as I understand, no civil service examinations have been held during the past year for court stenographers, and, therefore, I called no meeting of the committee.

On November 27th, last year, I addressed a letter to the Civil Service Commissioners at Albany, asking when and where examinations for court stenographers would take place, and whether it was practicable to have present at the examinations representatives of the association who were not competitors.

On November 27th I received an answer from Charles S. Fowler, chief examiner, stating that no dates had been fixed for such examinations, and that as the list then in force was good for two years, the right of the commission to hold further examinations seemed to be in doubt, in view of the decision in *The People ex rel. Pettit v. Knox*, 31 Misc. Rep., 440.

"This decision has caused the commission some trouble and anxiety, and the question raised must be settled before further examinations can be advertised. If a vacancy should occur in a judicial district for which we have not a sufficient number of eligibles to make a legal certification, a new examination would, of course, be demanded.

"We shall welcome at any of our examinations interested spectators, and if such spectators come as representatives of your association, we will show them every courtesy."

No examinations having been held, I did not see the use of calling a meeting of the committee to try to influence such examinations.

WAT. L. ORMSBY,

Chairman Committee Civil Service Examinations.

Mr. BISHOP moved that the report be received and placed on file. Carried.

THE PRESIDENT: This is not one of the standing committees of the association; therefore, if the members present desire the committee continued it is in their power to do so, with a proper motion.

MR. BISHOP: Who constitute the committee?

THE PRESIDENT: Mr. Wat. L. Ormsby, Mr. Rose, Mr. McLoughlin, Mr. Woodle and Mr. Young.

MR. BISHOP moved that the same committee be continued.

MR. WAT. L. ORMSBY: I move to amend that you appoint a new chairman, who will perform his duties better than the last one.

MR. BISHOP declined to accept the amendment.

THE PRESIDENT: The motion has been made and seconded, and the amendment has not been seconded. Therefore, it is lost: The question is upon the original motion.

The same was carried.

THE PRESIDENT: The next in order of business is one of the most pleasant features of our meeting, that of listening to a paper prepared by our Mr. Rodgers.

MR. S. C. RODGERS: I am not disposed, with the thermometer at 90, to inflict upon you the reading of this entire paper. I will only proceed as far as the State of New York, and ask leave to print the balance.

CONSTITUTIONAL CONVENTIONS, ETC.

(With some digressions on the side, more or less pertinent to "etc.")

By S. C. RODGERS, of Troy.

WITH Sir Aguecheek, "I have no exquisite reason for 't, but I have reason good enough," which is that of the boy who, when reproved for hunting woodchuck on Sunday, said the minister was coming to dinner and the family was short of meat. In much the same predicament our secretary recently notified me that he had but one response to his invitations to prepare papers for this meeting and with well-feigned *malaise* he begged me to promise a very short, say five minute, paper. With a touch of irony he said that in looking over some ancient proceedings he noticed I had presented some very jocular papers upon the "Laws" along about the time he was addicted to shinny and mumble-the-peg, and his observation makes me suspect that I am one of the "venerable law stenographers" Thorne had in his mind this month in "The Stenographer." Against my protest he flattered me by alleging that additional years must have increased my facetiousness sufficiently to impel you all to shun the Midway; so then you may anticipate more Twainishness than of yore. If I should, in a moment of thoughtlessness, exceed the five minute limit, I crave your remembrance that "He that would have a cake out of the wheat must tarry the grinding."

When the earliest conventions met it was in the days of few and widely scattered newspapers and of no shorthand periodical; consequently little information remains to us concerning the pioneers in reporting in this country; their individuality is lost to us and we must judge of their ability by the scattered fragments of their work. How interesting it would be could we now have before us specimens of the actual work of Lloyd, Gales, Seaton and others who flourished just about one hundred years ago.

How interesting to have a peep into their method of actual note-taking and transcription about forty years before the introduction of the steel pen.

These data seem worthy of preservation, and it has seemed to me that it would be a service for the profession well performed and perhaps appreciated in the future, were some one in each state actuated to put upon record the facts concerning the growth and practice of stenography in their respective states, the names of those who have served in the courts, legislatures, national conventions and other important bodies, and it is with much gratification that I learn of the contemplated publication by Mr. Beale of such a record concerning New England.

My primary intention was to have made considerable allusion to the earliest American shorthand writers, but I found I had been largely anticipated in the shorthand periodicals and otherwise. In 1874 Ned. Underhill gave some bits of the early history of law reporting in New York city, at the stenographers' annual dinner. Congressional reporting was magnificently collated in 1889, in a paper before this association, by Mr. Samuel Oppenheim, of New York. In 1894 Mr. Bowman, of Philadelphia, entertained us with "What has Half a Century Done?" And more recently brother Beale regaled us with "An Half Hour with the Past." "Old-time Boston Stenographers" appears in the American Shorthand Writer for 1884, a kindred article the year following, and many others that I must omit mentioning.

I do not vouch for the entire accuracy of all the statements made, as it has been impossible, with my limited opportunity, to verify everything. Dealing so largely with names and dates, it is desirable to preserve accuracy for the future seeker of facts, and I will be pleased to receive any corrections or suggestions before publication.

Lloyd is the first shorthand writer of whose practice in this country we have much knowledge. He reported the debates of the First Federal Congress in 1789, and was a local reporter in Philadelphia for many years. Trials taken by him as late as 1820 are extant. Like Lloyd, Joseph Gales was an Englishman who was forced, in 1792, to flee from his native country for too free expression of revolutionary sentiments. On the ocean passage he studied shorthand, and quickly obtained employment upon reach-

ing Philadelphia. Contemporaneous with these men were Thomas Carpenter, Samuel Harrison Smith, Edmund Hogan and David Robertson, and others, but I will not now anticipate their labors.

The tendency of the members of the conventions seems to have been that dependency upon the reporters of the public press was the desirable thing, and many proceedings exhibit great solicitude in providing the choicest accommodations for the newspaper reporters. It may be noted that the art of longhand sketching was more cultivated in those days than now, and there have been many notable examples of such skill. Henry J. Raymond's wonderful skill is recalled. Demers, of Troy, could listen to a long speech or lecture and reproduce it without notes substantially verbatim, and another whose name I do not recall, called upon unexpectedly after five days, produced from memory alone a five column report of a lecture. Mr. Stansbury, to whom I shall allude, is said to have depended much upon his memory. It shows to what extent the human memory may be trained.

Let me, without further preliminary, introduce the work of the conventions.

ARKANSAS. — The report of 1868, comprising over 700 pages, was "reported in phonetic shorthand and edited by James Pomeroy, a member of the bar," but the punctuation is such as to leave it in doubt whether he was both reporter and compiler. The stenographer did not commence his duties until the seventh day, and he was allowed compensation "at his usual professional rates, and ten cents a mile for mileage."

ALABAMA. — The record of the convention of 1861 states that it was made up by William R. Smith, one of the delegates. It is probable that he was not a shorthand writer.

The convention of 1865 was apparently not reported in full. A communication was received from delegate White touching a verbatim stenographic report, which was referred to a committee of five and reported adversely.

The record of the convention of 1867 states that the printing committee arranged for the proceedings to be reported at ten dollars per column, but the reporter is not named.

The convention of 1901 was reported by Clarence E. Walker, of Louisville, Ky.

CONNECTICUT. — The convention of 1818 was reported by the newspapers only.

CALIFORNIA. — A very good report exists of the convention of 1849. There is no record of an official stenographer having been appointed, but Thomas J. Ross Brown is spoken of in such a way as to indicate he reported it.

The convention of 1878-9 was stenographically reported by E. B. Willis and P. K. Stockton, and the work is apparently magnificently done.

The convention of 1881 was reported by E. B. Willis, formerly of Newburgh, N. Y., for which he is said to have received \$18,000. This beats being a '49er.

DELAWARE. — The convention of 1831 was reported for the Watchman by William Gouge, but whether in shorthand, I know not.

FLORIDA. — I am not aware that any of the conventions were stenographically reported.

GEORGIA. — The convention of 1861 was not reported in shorthand. That of 1877 was reported by the well-known Samuel W. Small, and is a most elegant and finished report, such as we might expect from such skilful hands.

ILLINOIS. — No convention appears to have been stenographically reported until that of 1862, when a committee was appointed to ascertain the probable cost of such work, which committee reported that they had conferred with A. E. Drapier, of Ft. Wayne, Indiana, who proposed a price of \$30 a day. By resolution, A. E. & W. H. Drapier and L. L. Walbridge were appointed at a cost of not exceeding \$30 a day. Subsequently a committee was appointed with instructions to inquire into the expediency of dispensing with a phonographic report, which committee reported back, asking to be discharged from its further consideration.

Ely, Burnham & Bartlett took stenographic charge of the convention of 1869. Mr. Medill, in offering the resolution for their appointment, said they had been in the employ of the convention under a *quasi* understanding for a week or more, and had had no official recognition. He said: "From my personal knowledge of these reporters, they have not their superiors in point of skill and faithfulness anywhere in the United States, outside of the Congressional corps, even if there. One of the gentlemen is the same individual who made the report of the great debate between Messrs. Douglas and Lincoln in 1858. They are now official reporters for the courts of Chicago, and they, with their corps, are all gentlemen of the highest integrity, without a single 'politic.' They will attend to their business strictly and faithfully, and no corps of reporters in the United States can give as much satisfaction as these gentlemen."

Mr. Turner, in rising to second the resolution, asked that it be put upon its passage, saying: "I am satisfied, not merely from my former acquaintance with this firm, that they are in every way competent, that they come up exactly to what I regard as the true standard for official position, that they are capable and that they are honest and faithful; but, sir, the inspection of their reports from the commencement of this assemblage, during the time when we were a little irregular, ought to convince every gentleman that they are entirely competent to report the debates." The resolution was then agreed to *nem con.*

They were paid \$2.20 per thousand ems, and \$50 per day for all adjournments aggregating over two days per week. By resolution they were furnished a special messenger. The convention resolved "that the thanks of the convention are hereby tendered to Messrs. A. L. Bartlett, R. R. Hitt, E. R. Gardiner, Frank P. Tupper, Charles Flowers, George W. Hardacre, Volney Hickox and T. J. Moynahan, the reporters of our debates, for the very able, efficient and courteous manner in which they have discharged their duties." All of you will recognize most of the names as long familiar to you. Of these, Moynahan, Tupper and Hickox, and perhaps others, are deceased.

INDIANA.—By authority of the legislature, the governor appointed Harvey Fowler official stenographer to the convention of 1850. About the first business transacted by the convention was the reception of a preamble and resolution offered by Mr. Gregg that, "Whereas, it was desirable to complete their work with the strictest economy consistent with the honor of this body and the interest of those whom we represent; resolved, that it is deemed inexpedient to report and publish the debates, and to this end we respectfully decline the services of a stenographer tendered by the legislature." Mr. Owen offered as a substitute that the appointment be recognized and approved, and that the stenographer be paid the usual rate of compensation paid for reporting the debates in Congress.

Mr. Gregg then entered upon a long dissertation upon public economy. If it was understood that the speeches were to be reported and published he would not attempt to set bounds to the duration of the session, nor limit to its expense; each member will wish to make a speech; each speech will take at least one day, and one speech per day will be as much as any one stenographer can possibly manage to take down and write out and do justice to himself, unless he has a constitution like a steam engine and can go ahead forever and never tire. Like the rest of us, he must have relaxation from labor, a time for recreation and rest, or he will soon wear out, and then we will be thrown back upon our own resources and have to do our own reporting; the necessary consequence then would be that we must accommodate our movements to his convenience. Said he: "Why, sir, I am told that in the Kentucky convention, where they had a stenographer, one member alone made one hundred and ninety-nine speeches, and would have made the even two hundred if the 'previous question' had not been sprung upon him. Away, then, with your stenography, and give us the unsubsidized jottings of the public press. Your scientific touches may do for another meridian. It may answer well enough for such laggards in legislation as may be found about Washington, who can talk through a whole session of unparalleled prolixity without ever losing sight of the starting point. But for a convention of workmen, who only receive three dollars a day and

live on common doings, the old-fashioned way of reporting will answer their purpose quite well enough. Sir, I once took a lesson in practical stenography that will last me as long as I live. I remember it the more vividly because it was at the time a source of chagrin and mortification to me. And it is this circumstance, perhaps, which has tinged my mind with a degree of acerbity towards the whole profession. It was on the occasion of Mr. Clay's vis't to this city of Indianapolis in 1842. Among the many parties who came here to see and to hear the old commoner was your humble servant, then publishing the Lawrenceburg Political Beacon. The meeting was in a beautiful grove near the city. A large table was conveniently placed for the benefit of the press, and I found myself seated comfortably in an easy chair, with paper before me and pencil in hand ready to commence the important work of reporting Mr. Clay's speech. Just before Mr. Clay commenced his speech a stranger, whose name I never knew, pressing his way through the crowd, came to me and introduced himself to me as a regular bred stenographer, saying that he had reported for many years in Washington for the two leading papers, and that he had often reported Mr. Clay in Congress. His appearance, it is true, was not very prepossessing, but I had no time to stand upon ceremony or to examine credentials of character, and being withal rather an indifferent reporter, I gladly availed myself of his kind offer to take my place and to report the speech for me. Giving up my comfortable seat, I took my place behind him, and for two mortal hours I stood upon my feet, protecting him from the external pressure of the crowd lest they should jostle his arm and thereby cause him to lose a single word or thought of the great speech. But I felt this privation as nothing when I reflected upon the great advantage it would give me over the rest of my contemporaries of the press; through the kindly aid of this gentleman I should be now enabled to spread before my readers Mr. Clay's speech *in extenso*, while they would be able to give but a mere skeleton of it, a bird's-eye view of some of the leading thoughts. And big with this reflection, I stood at least three inches taller in my shoes, and looking down upon my co-editors with a sort of patronizing air, as much as to say, 'I am sorry for you, gentlemen, but it can't be helped. I have got the vantage ground of you this time, and no mistake.' Well, sir, the speech being concluded, I took my gentleman by the arm, and after some refreshments (at my expense) repaired to my room to re-write out this speech. After laboring over it for more than hour, he finally succeeded in writing out about one page of foolscap, and on glancing my eye over what he had written I found it but a miserable caricature of the able and eloquent address I had just been listening to. But consoling myself with the reflection that I should be able to draw upon the resources of my own memory to dress it up

and make it passable, I urged him to continue his labors. He soon, however, complained of lassitude and of being nervous in consequence of the heat and the labors of the day, and proposed to adjourn to some restaurant or coffee-house to recruit his strength by the application of the proper stimulants. I remonstrated with him and proffered to go myself and bring him whatever he wanted, but in vain; go he must, and go he did — but he never returned, and that was the last I saw of him. Now, was ever editorial wight in such a fix before or since? There I was, with Mr. Clay's great speech before me, reported at large by a practical stenographer of large experience, partially written out, but the great body of it still in hieroglyphics. Of what avail would it be to me or my readers? Neither the one nor the other would ever be any the wiser for it. It was to me all Pottawottomi, and I doubt whether the genius of the archæologist Champollion would have been able to decipher it and render it into intelligible English. The next morning I heard of my worthy friend in one of the lowest doggeries of this city, gloriously drunk, and halloaing 'Hurra for Van Buren!' Being deeply mortified at the result, and knowing that I should be bored to death by my brother editors, who enjoyed the joke amazingly, I ordered my horse and buggy and left the town, fully determined never again to employ a stenographer to report a speech for me. But right here, Mr. President, allow me, once for all, to disclaim any other than the kindest feelings towards the worthy gentleman who has been selected to report the debates. I doubt not, he is a gentleman of eminent qualifications in the line of his profession; that he is able to render entire satisfaction to any deliberative body where talents of a high order, joined to gentlemanly deportment, are properly appreciated. But somehow or other a burnt child will dread the fire, and the wary bird will shun the Fowler's net."

Mr. Kelso was in favor of retaining the stenographer, "for," said he, "I think the gentleman (Mr. Gregg) will want very few of such cayenne pepper speeches published as the one he has just made, and this perhaps will be the last one he will make. When we know our speeches are to go forth to the public we will be a little more careful what sort of speeches we make."

Mr. Owen said he knew of no state in which a convention had been recently held which had not provided for the reporting of its debates.

Mr. Gregg's resolution was referred to a committee of seven to report thereon, and they stated they had communicated with Blair & Rives and Gales & Seaton, of Washington, who stated the usual compensation to be four dollars per column of about two thousand words. The committee reported in favor of paying the usual compensation. After a few days, instigated no doubt by the hilarious Gregg, the committee on accounts was instructed to inquire of

the doorkeeper if he furnished the stenographer with stationery and candles, and if so, the amount. But Gregg was again downed. The convention, before dissolving, officially thanked "the principal and assistant stenographers for the able, efficient and impartial manner in which they had discharged their duties." Who the assistants were does not appear. After proceeding for about 500 pages a resolution was introduced, stating that, whereas they had a corps of stenographers at \$60 a day, which duty could be better performed by the members themselves, it was resolved that the services of a stenographer should be dispensed with. This was amended that authority be given to employ a proper person to make a constitution for the people, without the assistance of the members of the convention, merely as a matter of economy, for buncombe and other innumerable reasons. The amendment made the resolution appear so ridiculous that it was laid on the table. The discussion upon the resolution is interesting reading. One delegate asked why the necessity of paying so much to the stenographer for doing that which the members could do much better themselves. For himself, he could say that with one exception the stenographer had been of no earthly benefit to him, for he had found that the easiest way to correct his report was to write it all out from beginning to end; in a two hours' speech he could fearlessly assert that there was not one single sentence correctly reported, and yet for reporting that speech the stenographer received \$25. Members wrote out their speeches and the reporter got the pay for it. Said he: "There is a speech published yesterday in the Journal that no man on this floor can deliver in an hour, and yet it was made under the fifteen minute rule. Will any man pretend that that speech was reported by the stenographer? No, sir; nothing of the kind." The gentleman referred to then stated that the speech in the Journal embraced the remarks made by him on several occasions; that he took the stenographer's reports and embodied them all in one speech. Another member said he had no occasion for complaint of the stenographers; sometimes the bad English he used was translated into good sense and furnished with correct grammar.

IOWA. — The conventions of 1844 and 1846 were not officially reported, and the State Historical Society, in the preface to a recent publication of the "Fragments of the Debates," expresses regret that the members did not keep and preserve official records of their deliberations, as the only reports thus far discovered are the fragments which appeared in the newspapers of the time. The convention of 1851 was reported by Charles B. Collar, of New York, and that of 1857 by Wm. Blair Lord, assisted by Charles B. Collar and Henry M. Parkhurst, of New York.

KANSAS. — The convention of 1859 was reported by Ariel E. Drapier, and we learn from a communication of Drapier that

" Doctor Bush authorized him to state for him (Bush) that he will make verbatim reports of the proceedings for \$6.25 for every thousand words reported," and that to this the convention agreed. This is all the information apparent upon the subject.

KENTUCKY. — The convention of 1849 was reported by Richard Sutton, appointed by the legislature, and is a remarkable piece of work. The convention of 1890 was reported by Clarence E. Walker, of Louisville, who has also recently been engaged in reporting the Alabama Constitutional Convention. The record covers 6,400 pages. He was elected over Philip N. Myers, of Covington, by a vote of 51 to 47. The selection of a stenographer elicited a long and spirited debate. One delegate stated that it was his misfortune to speak very rapidly; that Mr. Myers, with the assistance of a mechanical instrument of his own invention, was the most expert shorthand writer that it had been his pleasure in a long practice to know. He said: " The machine does not undertake to mark the words down in the hieroglyphic of shorthand, but in the most accurate way so that he can catch every word. I might say, if there were two or three men speaking at one time he could catch it all." After Mr. Walker's appointment it was sought to make Mr. Myers an assistant stenographer. A delegate said that he had heard Mr. Myers had a machine by which he reported, and having been a reporter himself, he would say if the machine had been an excellent instrument to take down such things as speeches, going at a two-forty rate, Congress and other legislative bodies would have adopted such a machine. Therefore, he would say that in reporting court proceedings at Covington, Mr. Myers must not have had to take more than one hundred or one hundred and fifty words a minute, while there were members of the convention who may speak at least two hundred or two hundred and fifty, and they would require the brains of a man and not a mechanical instrument to report those words and send them out to the country exactly as spoken. The proposition to appoint an assistant stenographer instead of leaving the selection to the official reporter was voted adversely.

LOUISIANA. — The convention of 1844 appears to have been reported in longhand by Ker and Foulhouze. After about six hundred pages attention was called to the imperfect manner in which the debates were made. Two or three pages are occupied with complaints, one member asserting that not a solitary speech delivered by him had been reported as spoken. Another member was satisfied that it was impossible for any one but a stenographer to take down the debates with that accuracy which was essential, and as soon as he learned that the reporters were not stenographers he was disposed to do away with the reporting of the speeches altogether, for it was exceedingly difficult to make correct reports without a knowledge of stenography. It was very difficult to report

the remarks of gentlemen who spoke with the fluency and rapidity of the gentleman from New Orleans. The matter was finally laid upon the table, and no stenographer was substituted.

The convention of 1864 was reported by Albert P. Bennett, assisted by H. A. Gallup, S. W. Burnham and A. L. Bartlett.

MAINE. — The convention of 1819 was reported by Jeremiah Perley, of whom it is said, "He was a well-read attorney, but destitute of some of the elements of a successful lawyer." Whether he was a shorthand writer or not is not apparent, and the preface states that few details of his life have been preserved, and, singularly, his personality has almost completely passed from the minds of men. His report is said to present nearly verbatim the speeches, etc.

MARYLAND. — It does not appear that the convention of 1850 was stenographically reported, but the report bears that appearance. It is stated that Henry G. Wheeler was contracted with to furnish an efficient corps of reporters for a sum not exceeding \$4,000; this sum was afterwards increased to \$6,000. The convention of 1857 was reported by Wm. Blair Lord. That of 1864 was reported by Wm. Blair Lord, assisted by Henry M. Parkhurst. Mr. Lord was appointed by joint act of the legislature, ratified by the convention. The compensation was three dollars per printed page.

The convention of 1867 voted down a resolution that the president appoint a committee of five, before whom the several gentleman desiring the appointment of phonographic reporter should appear for the purpose of having their qualifications tested by actual trial. A committee was appointed to ascertain the cost of reporting the convention, and they reported that a competent reporter could be obtained to report the debates at \$2.50 per page. F. A. Richardson and E. Fulton reported the proceedings for the Baltimore Press, but I doubt their having been stenographic reporters.

Mr. Lord appears as the reporter of several conventions to be cited. He was a native of Maine, born in 1826, and died in 1884. A biographical sketch may be found in Browne's Monthly for February, 1885.

MASSACHUSETTS. — The convention of 1853 was recorded by Harvey Fowler, the gentleman who had a narrow escape from reporting the Indiana convention three years previously. He was assisted by Charles B. Collar, of New York, and Henry E. Rockwell, of Washington. The report covers 2,500 pages, and, judging from its appearance, is an admirable record.

MICHIGAN. — The convention of 1850 was reported by C. J. Fox, of Adrian; J. Coates, of Oakland County, and William Coates, of Pontiac. The compensation is stated to have been fixed at three dollars per day. It is not stated whether this sum was per capita or divisible: neither does it appear that they were shorthand

of being transferred in part to this paper, which says: "The editors are not sensible of any want of care or attention to render these reports correct and satisfactory, but with all their industry and labor it is not improbable that amidst other avocations errors may have escaped their observation, and in some cases perhaps injustice has been done to the speakers. If such defects shall be found the reporters trust they will find an apology in the difficulty of hearing at all times distinctly; speakers in a remote part of the house; of comprehending their arguments always when they were heard, and of following with minute accuracy the detail of the proceedings amidst intricacies and confusion in which the convention sometimes found itself involved. The office of reporter is one of responsibility, invidious and ungrateful. While its duties are arduous and responsible, requiring great labor and vast industry, the most unwearied and faithful discharge of these duties is attended with no adequate reward in a literary point of view. The nature of the office precludes the exercise of those faculties of the mind which can alone confer dignity and reputation upon literary efforts; and the reporter in his best estate is but a manufacturer of intellectual wares from such raw materials as are furnished at its hands. This reduces his province to very narrow limits; and the only reputation he can expect must arise from the exercise of his judgment in converting the materials into fabrics for which they were intended. It would be equally incompatible with the principles of correct taste and with the fidelity of the reporter to attempt to invest plain sense and dry argument with the embellishments of fancy or elaborate elegance of diction. It is the duty of the reporter to give the speeches both in matter and manner as they were delivered, except in such inadvertent inaccuracies as might be supposed to occur in the heat and hurry of debate."

In another report of the convention the publisher states that it was found impossible in the course of proceedings for one reporter to take and transcribe verbatim the speeches of all those who at different times occupied the floor, and therefore he has entered into an arrangement with Messrs. Gould, Stone and Carter, by which he has been enabled to avail himself of the labors of all those who were engaged in reporting. Stone and Carter, I think, were editors. Gould was a celebrated reporter of his day. He published a "system" in 1823 at Albany. He practiced principally in Philadelphia. He published for a time "Gould's Reporter," which contained reports of important trials, reported by him. He reported the celebrated McLeod trial at Utica, in 1839, as did also Thomas Towndrow.

The convention of 1846, comprised in 1144 pages, was reported by William G. Bishop and William H. Attree. Upon the seventh day of its sessions Mr. George A. S. Crooker, a lawyer of Cattaraugus county, laid on the table a resolution for the appointment by

ballot of two competent stenographers to report the debates. It may not be wholly uninteresting to note what took place at that time. Mr. Chatfield, of Otsego, opposed the resolution. It was entirely unnecessary to appoint two stenographers, and it would be very unfair to select any two from the five or six very able gentlemen now present reporting these debates. Thus far, most certainly, the debates of this convention had been most fully and fairly reported by those gentlemen. He had the highest confidence in the ability of the gentlemen reporting for the *Atlas*, *Argus* and *Journal*, now present, and he believed some of them had announced that they would publish all these debates in a book at the close of the convention. There was no necessity to pay money out of the treasury for this purpose; it could not possibly induce these gentlemen now engaged to make any better reports than they now publish; and it would be equally impossible to obtain two other reporters from any other place that could surpass them. There was no reason for the proposed expenditure and nothing in the circumstances by which we are surrounded, to warrant such outlay.

Mr. Brown, of Orange, wished to know the object of the gentleman offering the resolution. Was it designed to pay any of the public money to these stenographers, or was it intended to purchase this book of reports from them, out and out, and make it the property of the state. He was willing to go as far as any member to ensure the publication of the fullest and most accurate reports; but up to the present time everything has gone on as admirably and perfectly as the most sanguine could desire; the reports given daily in the leading journals here have been most excellent, and how could we ensure anything better. It would not be right, in any event, to select any two to the prejudice of the other three or four.

Mr. Crooker replied that he had no object in view except to have the proceedings published in a good and proper manner under the immediate sanction and supervision of the convention itself; the reporters to be made officers of the convention and responsible to it for their reports. He had limited the number to two in order not to startle gentlemen with the expense of paying five or six. But he was not tenacious on this point. He had not the slightest desire to make any invidious distinction between the very able gentlemen now engaged in this most arduous and honorable duty of reporting the debates; he had no objection to have them all engaged officially as reporters, and all paid liberally for their professional services. The debates would be deemed of the highest importance by the people all over the state and he was certain that none of their constituents would ever complain of the expense. The debates of the convention of 1821 remain monuments of the wisdom and learning displayed there and have been of invaluable service to all classes. Our debates should be spread out before us

in the fullest and most accurate manner. He had no choice as to which of the very talented and experienced reporters now present were chosen for this important and highly arduous and responsible duty, but he would commence the selection by choosing, first, the very best reporter that could be found for the duties, come from where he may; then choose the next best to him, and so on until they had chosen the whole of those now present who had been so fully and ably reporting these debates up to the present time.

Mr. Ward, of Westchester, could not satisfy his mind that the convention possessed the power to make an appropriation for the proposed appointment. With respect to the present reporters within the bar of the convention he could say from the long experience which he had had in such matters that there was not in America, and he believed there was not in the whole world, a corps of reporters so well qualified, so able by talent and experience, and in every way so well calculated to do justice to the views and speeches of gentlemen upon this floor, as those at present engaged in that most difficult but dignified and honorable path. The gentlemen must know from the opportunity they had had to judge, that these reports would be given most accurately. They could not by merely appointing any of these gentlemen to the position and awarding him a liberal sum for his services, at the same time award him a larger amount of experience or talent in his peculiarly difficult position than he now possesses; neither would the payment of any sum induce either of them to make any better or more faithful reports than they now do. Their personal pride was fully enlisted in this matter now; their professional reputation was involved in the results of their labors; and knowing them as well as he had the honor and pleasure to know them, he could assert without fear of contradiction that these feelings would be a far greater inducement to their attaining excellence in their line than all emoluments or all the intended or alleged nominal honors which the convention could possibly bestow upon them.

Mr. Simmons, of Essex, said he opposed the resolution as being an improper stretch of power for members to vote to print and appropriate the reports; they had much better confine themselves entirely to stationery. If they should begin to print all the speeches he was very much afraid they would not only get a great deal too many of them, but a very large majority of them would be positively not worth the paper on which they are printed. This subject of reporting and publishing the debates is a matter of fair and honorable competition among the three leading Albany journals; most competent and skilful gentlemen were already engaged in the task; they have performed their severe labors most admirably so far, and there was not the slightest danger but that their constituents would be fully acquainted with their labors and properly appreciate and reward them for the same.

Mr. Crooker thought if the convention had the power to tear the constitution to pieces and to form an entirely new one, it was a strange thing to say they had not the power to vote a small sum in order to inform the people fully and fairly what had been said and done during the session.

Mr. Loomis, of Herkimer, could not sustain the resolution. We were already surrounded by an ample array of very competent reporters, and we have not the slightest reason to complain of their accuracy, as they have most faithfully discharged the duties assigned to them. He could bear full testimony to the accuracy and faithfulness of their reports. We are amply supplied with intelligent, industrious, and experienced gentlemen, sent here as the agents of the people who sent us, to accomplish all objects. If we were to adopt the resolution we should set a most unwise and mischievous precedent to the legislature, which they might follow hereafter with their debates.

Mr. Brown regarded the proposition as novel and extraordinary. He had no recollection of any legislative body ever having employed stenographers to report its debates. Certainly it was not the practice of the British Parliament, of the houses of Congress, nor of the state legislature to do so; neither was it the course of the convention of 1841 — they did not employ any reporters to report their debates. If anything should take away from the impartiality of these reports or induce the reporters to deviate from strict accuracy (which he did not deem possible) to make them favorable to the members, to flatter gentlemen in their speeches, it would be the official sanction given to them by their selection to this body. If any gentleman should utter opinions that might be deemed a waste of time, then he desired that such speaker should take the responsibility of so doing, and not that he should be at liberty to go to the stenographer (who perhaps might be indebted to his vote for his place) and say to him that he must suppress so and so, and insert so and so, or gloss over or highly color certain other parts. The reporters should remain as they are — independent and uninfluenced — with no inducement to present favorable or unfavorable reports. If we were to send these debates abroad under our sanction he would prefer to wait and see what the reported debates are — whether they are good or bad. If good, then let us purchase them and send all over the state; and if bad, reject them. But if we thus create these stenographers — appoint them to this body — and have their reports printed at the public expense, we hold out direct inducements for them to make it a great book, to swell it unnecessarily to a ponderous size — very costly — and we shall have no proper check upon it.

Mr. Crooker desired the word two stricken out of the resolution and the number left in blank. He had no objection to have the whole body of reporters present appointed. A call for the ayes and noes being ordered, it resulted in ayes, 5, noes, 103.

A report of this convention was issued by the Atlas office. S. Crosswell and Richard Sutton, of the Argus, also issued a volume. They are represented upon the diagram as occupying positions in front of the speaker's desk.

Sutton deserves a word. He came from England about 1837, and his early life history is unknown. He was located for years at Albany, and also did much congressional work. He reported the John C. Mather impeachment trial before the New York senate in 1853, and is styled on the title page as "Shorthand reporter to the Court of Impeachments." He died in 1878. Browne's Monthly for May, 1883, has an interesting article upon Sutton.

The convention of 1867-8 was officially reported by Edward F. Underhill, who was appointed stenographer upon the first day's session upon motion of Judge Folger, assisted by Wm. F. Bonyng and Andrew Devine, of New York. The report comprises upwards of four thousand pages, and is the only convention of the kind in which the writer ever had the temerity to venture in reporting. Mr. Underhill was born in Wayne county, this state, in 1830, and died in 1898.

In the constitutional commission held in Albany in 1872-3, a resolution authorizing the employment of a stenographer to report the debates was lost.

Our latest convention was held in 1894, and the record comprises nearly 2,700 pages, reported by Herbert A. Briggs, of Buffalo, official stenographer, assisted by Messrs. George H. Thornton, Buffalo; William Loeb, Jr., Albany; A. B. Weaver, Buffalo; Charles A. Morrison, New York, and Edmund A. Davis, New York. George A. Glynn secured by statute a contract to furnish certain newspapers with reports of the convention for \$15,000. He employed a stenographer to furnish a transcript. At the beginning of the convention, upon motion of Charles Z. Lincoln, of Cattaraugus, Herbert A. Briggs, of Buffalo, was appointed official stenographer by acclamation and he was directed to furnish a copy to the secretary of the convention. Complaint was finally made that the compiler was not promptly furnishing copy owing to a disagreement as to who was to furnish material for the printer, and the official stenographer was directed to furnish the convention printer a daily record. About the middle of the session a committee reported upon the compensation of the official stenographer at \$1,500 for taking notes of the debates and proceedings, and twenty cents per folio for the first copy and five cents a folio for each additional copy, the same to be filed prior to the opening of each day's session.

The debates and proceedings of the convention assembled at Poughkeepsie in June, 1788, to deliberate on the form of government recommended by the general convention at Philadelphia in 1787, were "taken in shorthand by Thos. Lloyd." The editor

says that when he formed the design of publishing the debates he entertained hopes that the different speakers could be prevailed upon to revise their speeches as taken down by him. As other engagements prevented them from undertaking the task he resolved to enter upon the business, extensive and arduous as it was. Though he has taken great pains to render the publication as perfect and satisfactory as possible, and believes that the substance of what was said has been justly stated, yet an apology is due to the gentlemen concerned as he has not long been accustomed to the business and he cannot pretend to such accuracy as might be expected from a more experienced hand, and it will be easily comprehended how difficult it must be to follow a copious and rapid speaker in the train of his reasoning, much more in the turn of his expression. As the notes were taken in June and published in December it would seem as though ordinary diligence would have enabled our nameless friend to have secured the revising hand of the speakers.

The familiar name of Thomas Lloyd appears as the shorthand reporter of three volumes of debates and proceedings of the first house of representatives in New York, in 1789-90.

NORTH CAROLINA. — David Robertson, of Petersburg, stenographically reported the convention of 1788.

OHIO. — The convention of 1850-1 was officially reported by J. V. Smith, of Hamilton, assisted by H. Reed, of Columbus, and Charles B. Collar, then of Boston, whose report makes about 1,600 pages. Mr. Smith's selection was primarily made by a joint resolution of the legislature, against which the convention mildly rebelled, but the matter was referred to a committee and the action of the legislature was sustained. The convention of 1873-4 is represented in 3,500 pages, for which the official stenographer, J. G. Adel, received about \$13,000. Proposals for the work were authorized, Adel bidding ninety cents per thousand ems, Benjamin Weaver, \$1.10, and Lord and Pitman, \$1.25. Adel was successful and was assisted by Benj. Mason and Charles Flowers. The matter precipitated a long debate. Lord and Pitman were strongly endorsed and alluded to in the most complimentary terms; but the question of economy prevailed. One delegate observed, "The lowest price is not always the cheapest. We do not act upon any such principle in our everyday life. Anyone of you who has occasion to call in a surgeon to set a broken leg will call in the most competent. If you have a cause to be tried you will select your attorney from among the most eminent lawyers in the State, and you will not expect to receive his services at the same compensation you would pay a tyro in the profession. I know that this matter of reporting requires experience and skill. A man must have experience, and a great deal of it, to be a good reporter. I know that every one of these gentlemen who ask our votes can

take down every word you say, and almost put down your very looks." The discussion occupied ten pages of print, and consumed, as one member said, an hour and forty minutes. It is interesting reading, but space will not permit its introduction here. Mr. Adel was born in Rutland, N. Y., in 1830, and died in Indiana in 1897.

PENNSYLVANIA. — The convention of 1837 was reported by John Agg, "stenographer to the convention," assisted by Messrs. Wheeler, Kingman, Drake and M'Kinley, and the record is a very voluminous one. The president of the convention was authorized to employ one or more stenographers.

The convention of 1872-3 was preserved in record by Dennis F. Murphy, assisted by Charles Flowers, of Detroit, making eight volumes of about 700 pages each. The selection of official stenographer was by ballot, divided as follows: First ballot, D. F. Murphy, 46; Charles Flowers, 35; A. M. Martin, 24; A. J. M'Cleary, 5. Second ballot, Murphy, 52; Flowers, 43; Martin, 15. Third ballot, Murphy, 58; Flowers, 54.

SOUTH CAROLINA. — The convention of 1835 was reported by Joseph Gales, Sr., and his son. That of 1855 was reported by William Blair Lord, H. M. Parkhurst, Charles B. Collar, Henry S. Clubb, and Mr. Glenn.

The convention of 1868, comprising 926 pages, is stated to have been reported by "J. Woodruff, Phonographic Reporter."

TEXAS. — The convention of 1845 was reported by William F. Weeks, who states that the work is that of a single reporter, and chiefly written out after the adjournment without the benefit of the revision of the speakers. For this work he received about \$650.

Prof. E. B. Smith, of Soule University, was chosen "reporter" of the convention of 1866. Whether he was a shorthand writer or not I have not ascertained.

The re-construction convention in 1868 was reported by John Ford, at \$15 per day, who also reported the Mississippi re-construction convention.

UTAH. — In the convention of 1895, the matter of a reporter was referred to a committee of five, who reported in favor of Frank E. McGurrian, at \$10 per day and fifteen cents per folio, provided that the entire cost of both per diem and transcribing should not exceed \$30 per day. This elicited considerable debate, some members stating that they thought they could get the work done for five cents per folio. One of the committeemen stated that they had decided the question upon its merits and that Mr. McGurrian was the best official reporter there, and that they wanted the best; they had decided it was not a question of letting to the lowest bidder, the same as digging a ditch, and they regarded the *per diem* as not excessive as compared with the price paid stenographers at other conventions. One member apprehended that it would take a

spade and some muscle to dig a ditch, and when the ditch was completed, if done in conformity with the contract, this work would be equally well done whether by a five-dollar man or a one-dollar man. Another member stated that he believed every gentleman on the floor acknowledged that Mr. McGurkin was probably the best reporter in the country, but he also believed there were other reporters in the city that could report the convention satisfactorily. It reminded one member of a congregation that employed a new minister, and one of the flock wanted to know why he didn't preach in Latin. "Why," he said, "Do you understand Latin?" He said, "No; but then we pay for the best, and we ought to have it." Another delegate said the matter of economy was to be considered both ways. An error on the part of the stenographer will kick this whole convention into a turmoil and fussing for three hours, which is more than a stenographer's cost for a week. A stenographer is just exactly as a famous man used to say about mines. He said there were just two kinds—one that was worth anything in the world, and the other wasn't worth anything in the world. A correct stenographer was very much more necessary than any other officer in the convention. During the debate a member read an offer made to the Wyoming convention by Louise S. Smith to do the Wyoming convention work for \$15 per day actually employed and furnish a typewritten transcript. I find that she first offered in writing to report the Wyoming convention for \$10 per day, but within two days and before the convention accepted such desirable rates (for itself) she reconsidered and raised the offer \$5. After wasting about a hundred dollars worth of time the report of the committee was adopted and McGurkin was appointed.

VIRGINIA. — The debates of the convention of Virginia in 1788, were "taken in shorthand by David Robertson," of Petersburg. The introduction to the second edition says the debates were taken down in shorthand as fully and accurately as an ineligible seat and other disadvantageous circumstances permitted the stenographer to take them; that in order to make the work more acceptable it has been revised by the same stenographer who took down the notes, and he has excluded, it is believed, most of the errors in the first edition, and has been aided in so doing by reference to part of the stenographical manuscript preserved in his possession; part of it has been destroyed. In one part of the debates the stenographer notes that "here Mr. P. spoke so very low that he could not be heard."

The convention of 1820 was reported by Mr. Stansbury, and the publishers say, "the skill of Mr. Stansbury in reporting the proceedings of congress is well known to the citizens of the United States, and we deem ourselves fortunate in having obtained his services as reporter of the convention. We cannot be insensible

to the imperfections of the work. No stenographer can take down everything accurately. No efforts of our own could supply what was defective. It is not easy to report the speeches of such orators as Randolph, Leigh and Giles."*

The 1850 convention was reported by Wm. G. Bishop and Charles B. Collar.

The convention of 1861 was reported by Patrick Kean, of Richmond, under contract with the Richmond Inquirer, who certified to reporting 169 columns at \$7.50 per column. He was assisted by Charles B. Collar, Henry Hayes, Francis H. Smith and Finley Anderson.

The convention of 1901, at Richmond, is reported under contract at \$1,870 per week, no charge to be made should the convention adjourn for a week or two. Theo. F. Shuey and Milton W. Blumenberg, United States senate reporters, were awarded the contract.

WISCONSIN. — The convention of 1848 provoked considerable discussion upon the employment of stenographer. One memoer said he didn't know how many persons there were in Madison who could write in stenographic characters. The New York convention of 1846 was cited as having its debates prepared by the best reporters in the country. Another delegate said the experience of every like body had shown that no reports could be made which would be satisfactory to all of its members; that the New York convention reporters were esteemed the best in the Union, yet with all their experience, education and tact they were unable to satisfy the members of that body. In the confusion attendant upon the sitting of a large body it was impossible to make verbatim reports. Another stated that he had learned there was one man in the place who could write shorthand, and he had also learned that one shorthand reporter with an assistant, who need not write shorthand, would be sufficient to keep full and accurate reports of the proceedings. Another thought the clerk's journal would be a sufficient report. He did not desire to trouble members with his Irish brogue, but really he thought the debate had gone too far. The resolution to employ a stenographer was lost, and the proceedings were reported by the local press only.

* In 1836 a religious debate between Hughes and Breckenridge was had in Philadelphia, which occupied six evenings. The proceedings of three evenings were reported by Mr. Stansbury, alluded to by one party to the controversy as "the faithful reporter of the American Congress for a dozen years." The volume of debates devotes several pages to an animated row which his reports provoked. By resolution of a society they were condemned as "unsatisfactory and incorrect." Complaint was also made that the speeches were retained in the stenographer's hands for some months after the close of the meeting. One of the disputants stated, "The transcript did not give my arguments—except as Mr. Stansbury conceived them—and consequently the report is imperfect. It covered but three-quarters of the discussion and not the whole; it contained none of the citations of authorities, which were numerous—it merely left it to the speakers to fill up." The matter was finally settled by allowing each side to re-write their speeches to suit themselves.

WYOMING. — The convention of 1889 makes a volume of 732 pages. The session lasted twenty-five days and was reported by Mrs. Louise S. Smith, under contract at \$15 per day, but she did not commence her duties until the convention had been in session a number of days.

The debates and proceedings in the secret sessions of the conference convention for proposing amendments to the constitution of the United States, held at Washington in 1861, were not reported, a resolution to employ a competent stenographer being defeated, on a vote of states, 11 to 8, New York voting in the negative.

Singularly enough, the selection of an official reporter seems to have been delayed in most conventions until the fourth or fifth day.

The Smith family seems to have been specially adapted to constitutional convention reporting, for it will be observed the Smiths have secured no less than five conventions among the number to which I have made reference.

A word now as to the "Et Cætera."

In earlier years, before the public was afflicted with half-hourly editions, important trials were published in pamphlet form. This has passed and the scareheads now satisfy the nervous American. The collecting of those old trials has become quite a fad with some bibliophiles. Many of these trials bear upon the title page the name of the stenographer. Publications of trials obtained to a much greater extent in England than here, those credited to the Gurneys during their long career as shorthand writers being very numerous. In England, Scotland and Ireland credit is universally given to the reporter by the statement "taken in shorthand by Mr. Blank," while in this country it is rarely given unless reported or compiled by an attorney-at-law, when of course it appears in type as large and black as those of the criminal's name.

I have thought it might be of interest to some of you to know who were some of the men, at least by name, (for you can learn little else of them), who reported the stirring trials of the earlier days. Eighty years ago probably there were not to exceed a half dozen men in the country qualified to accurately report a speech. Now there are at least eighty to every half dozen hundred inhabitants who dream they can. I have not undertaken, of course, to give anything like a complete list, from material covering from the earliest period down to the decadence of their publication along in the seventies, which brings it down to a time when many of the names would be recognized by you as of those with whom you have or once had a personal acquaintance. It would include some who are here to-day and others who have been at many previous gatherings of this association. I simply cite a few as samples, and at some later date I may be impelled to extend the list.

The impeachment trials of Hopkinson, judge of the Court of

Admiralty, and of Nicholson, comptroller-general of Pennsylvania, in 1780, at Philadelphia, was reported by Edmund Hogan, who was the publisher of Hogan's State Trials.

The trial of Cooper, for libel against President Adams, in 1800, was "taken in shorthand" by Cooper himself.

The trial of Shippen, chief justice, and of two associate justices of the Supreme Court of Pennsylvania, in 1805, was reported by William Hamilton, editor of the Lancaster Journal, who was, judging from the style of the report, a shorthand writer.

The trial of Samuel Chase, associate justice of the Supreme Court of the United States, before the High Court of Impeachment, in 1805, is stated to have been "taken in shorthand by Charles Evans." The "address to the reader" states "The testimony has been accurately copied from Mr. Evans' notes. The publishers would feel happy if they could have got the notes of the arguments of the managers corrected, but *having purchased* the notes of the trial from Mr. Evans they could not legally hold a copyright in the arguments of the managers who would be at liberty to print or give their corrected notes to any person who might be pleased to print them."

The notable trial of the boot and shoe makers of Philadelphia, in 1806, was "taken in shorthand by Thomas Lloyd."

Aaron Burr's trial at Richmond, in 1807, was "taken in shorthand by David Robertson, counselor-at-law." Another edition was also "taken in shorthand by T. Carpenter." Carpenter was a Scotchman, and reported the proceedings of congress during 1796-7. Robertson was a reporter of note and was the author of the first book on phonographic reporting published in this country.

The trial of Gen. Michael Bright, Pennsylvania, 1809, was reported by Thomas Lloyd, who also reported Judge Addison's impeachment trial in Pennsylvania in 1803.

The murder trial of Lynn and others, at Augusta, Maine, in 1809, was "taken in shorthand" by John Merrick, Esq.

Brig -Gen. Hull's trial by court-martial at Albany, in 1814, was reported by Lt.-Col. Forbes. In the introduction he regrets not having taken down verbatim the summing up of Martin Van Buren. He says, "The ability displayed by him extemporaneously on an occasion so novel to him excited, I can venture to say, the admiration of one of the most numerous and respectable audiences that ever attended a court-martial in the United States."

The trial of Frederick Eberli, at Philadelphia, in 1817, was "taken in shorthand by James Carson, attorney-at-law."

The trial of Eunice Hale and Robert Grant, in 1821, at Elizabeth, N. J., was "taken in shorthand by Daniel Rodgers."

The murder trial of Beuchamp, in 1826, at Frankfort, Ky., was reported by J. G. Dana and R. S. Thomas.

The libel case of Child, in 1828, at Boston, was reported by John

W. Whitman, as was also the trial of Lyman, at Boston, in 1828, for libel on Daniel Webster.

The trial of Tobias Watkins, fourth auditor of the treasury, held in Washington, in 1829, was reported by L. Washington, Jr., and H. R. Taylor.

The Clough trial, which was the first in this country for the offense of embezzlement, was had in Boston, in 1833, and was reported by B. F. Hallett.

The celebrated trial of Prof. Webster, in Boston, in 1850, was reported by Dr. James W. Stone, a phonographer of note in his day. Charles B. Collar, of New York, is stated to have also reported it.

This concludes an effort to "amuse" you, and if it has not proven the "choicest cut" kindly recall your secretary's exigency and the quality of meat selected.

Mr. McLOUGHLIN: I move that we now take a recess, but I would like first to inquire as to the possible length of our session. It seems to me we could finish all our work to-day. Many of us desire to take a trip to Niagara to-morrow, and if it is the wish of the association, I suggest that we endeavor to finish all of our business to-day. I move we take a recess until half-past two o'clock.

The PRESIDENT: I think we can condense all of our business into this afternoon and leave perhaps a short business session of half an hour for to-morrow morning. Before the motion to adjourn is put, I desire to appoint a committee on the place of meeting of our next convention. I will appoint as such committee Messrs. Bailey, Rose and Martin.

Recess to 2:30 P. M.

SECOND SESSION.

The PRESIDENT: I will appoint the following standing committees: Publication Committee, Messrs. Murray, Rodgers and Griffith. Committee on Legislation, Messrs. Ruso, Bailey and McLoughlin. Committee on Resolution on Death of Mr. Huson and Mr. Noonan, Messrs. McLoughlin, Martin and Flack.

I notice this morning that I omitted to call for the adoption of the minutes of the last meeting, as the practice has been to make such a motion without having them read.

Mr. CARROLL moved that the reading of the minutes of the last annual meeting be dispensed with. Carried.

Mr. ROSE moved that the minutes, as printed, be adopted as the minutes of the last meeting. Carried.

The PRESIDENT: I will now call for the report of the Executive Committee.

Mr. McLOUGHLIN presented the report of the Executive Committee, as follows:

Mr. President: As chairman of the Executive Committee, I would report that through the energy of our hustling president, for the first time in years the Executive Committee held a meeting at the offices of Rodgers, Ruso & Kelly, in Albany, on December 28th, 1900, and there were present at that meeting Messrs. Cherry, McLoughlin, Wilson, Beach and Loewenstein, members of the committee, and also Mr. Sidney C. Ormsby and Mr. Whitefield Sammis.

On motion of Mr. Loewenstein, the assessment for the year was fixed at \$5 per member.

The following new members were elected: William A. Comstock, Charles F. Earle, Wilbur D. Newell, Fred. J. Morgan, of Syracuse; W. D. Cross, Brooklyn; F. F. Wood, New York, and Frank A. Hill, Salem.

That is about the extent of the business that was transacted at the meeting of the Executive Committee, although several other subjects were discussed, one of them being the question of civil pensions, and if there has not been a report from that committee as yet, I respectfully suggest that the president call for it.

The PRESIDENT: There is a report here from the Committee on Civil Pensions, which the secretary will read.

The secretary read the report, as follows:

To the New York State Stenographers' Association:

Pursuant to the resolution adopted at the annual meeting in Brooklyn last year, the committee appointed by the president, "with power to confer with the Civil Employes' Association and "to frame a bill for the pensioning of civil employes of the state "upon retirement after thirty years of service," met at the court house in Brooklyn, on December 21, 1900; present, T. Bigelow, Whitefield Sammis and John B. Carey, the latter appointed by the president in place of William Hemstreet, resigned.

It was moved by Mr. Carey, seconded by Mr. Sammis, "that a "committee of one be appointed to obtain from the secretary of "the Association of Civil Employes in the State of New York "information in regard to their proposed legislative action concerning the relief of civil employes in the service of the state "and the civil divisions thereof, and to report back to the committee of this association." The motion was adopted, and John B. Carey was appointed such committee.

The committee then adjourned to meet on Saturday, December 22, 1900. At that meeting it was decided to attend the next meeting of the Association of Civil Employes in person, and this was done by T. Bigelow. The information obtained from the officers of that association was that they did not intend to prepare and

press a general bill relating to civil employes throughout the state, but a local bill which should relate to the city of New York. This not coming within the terms of the resolution under which your committee was acting, it was not deemed within our powers to commit this association to the support of such bill, and the committee decided to go no further.

As matter of fact, no bill was prepared by the Association of Civil Employes, but Senator Ford's bill was again offered at the last session of the Legislature and never reported by the committee to which it was referred.

In conclusion, the committee begs leave to suggest that if the approval of this association is given in general to legislation relating exclusively to court stenographers, leaving the members at liberty to favor or oppose such proposed legislation according to individual opinion as to the advisability of particular provisions, it will have done what is practicable in that direction at present. Your committee recommends that it is perhaps better not to commit the association to the support of any general measure not formulated for the benefit of or specifically relating in terms to members of our own profession.

T. BIGELOW.

JOHN B. CAREY.

WHITEFIELD SAMMIS.

Mr. McLoughlin moved that the report be received and placed on file. Carried.

The PRESIDENT: The Committee on Civil Pensions is not a standing committee, but one of the convention committees, and to have a committee on civil pensions it will be necessary to have a motion that a committee be appointed at this time. What is your pleasure upon that? Do you want another committee appointed, or will your committee die with this report?

Mr. McLoughlin: I would move that the president be authorized to appoint a committee on civil pensions to act during the coming year, and I would like to hear some discussion on this subject. It is a matter of interest to many of us. Those of us who a few years ago were young are growing older every day, and I understand that at the last session of the Legislature, among the amendments to the New York City Charter, there was a provision that officials connected with the health department of the city, who had served for twenty years, should be entitled to a pension. Now, if the pension system is to extend to any, I think that there is no more deserving a class of employes than the court stenographers who have labored for upwards of thirty years, as more than five of our members, I think, have. I submit a motion that the committee be continued.

Mr. BISHOP: There is no general discussion, as I understand, likely to take place on this subject. Not being one of the official court stenographers of the state, my official relations being simply to a great financial institution, which designates me as its "official stenographer," I think I can speak without any imputation of selfishness on this subject. It is very well known that in many of our foreign countries public servants of all description are pensioned after the lapse of a certain number of years of service. You will find, if you refer to German works of political philosophy and on government, e. g., Bluntschli, that it is not only advocated, but some of the facts in relation to the existence of such a custom are stated. I think throughout Germany, where, of course, the salaries are never very high, especially in the northern part of the empire, it has been the custom, for many years, to grant pensions to retiring officers, and it is the custom, of course, in some departments of service, such as the police and the educational, of our state. Our policemen in New York City are pensioned after a certain number of years of service. Our school teachers in New York City are pensioned, but whether they are throughout the rest of the state, I am not certain, as I know nothing about the system outside. Mr. McLoughlin inquires whether the pensioning is done by the state or whether they have a fund of their own. I understand that the pensioning is or has been done by the state—or, in the case of teachers, by the municipality. I have in mind one teacher who taught thirty years, and who, as I have been informed, has been retired under a pension. I am not sure but that that statute has now been abolished, under some amendment to school legislation; but it has been the case, as I understand it. With the teacher the hours of teaching are shorter, but that, of course, does not end the work for the day, for every teacher of diligence will take a great deal of interest and spend a good deal of time in work outside of the school hours; but for officials generally you have very much shorter hours than are those of the busy stenographer. The pension system is of value and is just and right. The work of the court stenographer is certainly of the most arduous character, and there is no reason why official work of that description should not, after long service, also be pensioned. I should say that the president of this association, under the resolution that is to be adopted, as I suppose it will be, should take pains to appoint a very careful and thorough working committee to take that subject under consideration.

THE PRESIDENT: What is your further pleasure on the motion to continue the Committee on Civil Pensions?

Mr. LAW: Is this a discussion as to the advisability of urging pension legislation, or simply a question whether this committee should be continued?

The PRESIDENT: The motion is as to the continuation of the committee.

Mr. LAW: I have nothing to say on it.

The PRESIDENT: I do not know but you might just as well say something on the subject of pensions at this time.

Mr. LAW: If that is the question to be discussed, I would like to say, very briefly, that personally I think it is an unwise movement. I would perhaps be benefited by it sooner than many here, as I am serving my twenty-third year as an official stenographer in the courts of this state, but I believe that the principle of pensions is not a proper one to urge, and I believe further that the sentiment of the majority of the people of this state is opposed to pensioning movements of this kind. It has taken form in the action of the last constitutional convention which abolished pensions for judges of certain courts, and I think we had better look out for legislation to take care of our salaries. If we start up pension legislation, it may very well lead to a movement that may cut down our salaries, and our latter state will be worse than the first.

Mr. WAT. L. ORMSBY: I agree with Mr. Law, and I hope that this committee will not be continued. Because a man has been paid \$50,000 for twenty years' service by the state that does not seem, in my judgment, a good reason for giving him a pension at the end of that period. I think it is inadvisable. I desire to be let alone, and I hope this committee will not be continued.

Mr. BISHOP: Responding, I would say that I supposed the committee to be appointed is to be a committee having cognizance of the subject generally. The president, in his wise discretion, will appoint such a committee that no danger will be incurred from action by that committee in any way. It might get useful information and do and acquire something that would be valuable, incurring no risk of taking any ill-advised or dangerous step.

The PRESIDENT: Are you ready for the question?

Mr. THORNTON moved that the matter be laid upon the table. Carried.

A division being asked for on this question a rising vote was taken, which resulted in favor of laying the matter on the table.

The PRESIDENT: We will now hear from Mr. Sidney C. Ormsby, of the committee on the licensing of stenographers.

Mr. SIDNEY C. ORMSBY: Mr. President, all we have to report is practically the stereotyped report of "progress." As you well know, I attended the meeting of the executive committee at Albany on behalf of the New York City Association, and we were there effectually administered some knockout drops in the way of figures, showing that the State Association was not in a position to

extend any financial aid to the movement, and as the New York City Association was certainly not in any position to act because they had expended some \$2,000 in the effort to forward legislation on the licensing question, we practically decided to let the matter drop for the present, until we get a little richer.

The PRESIDENT: I suppose that report will be received and filed, but the question now is whether the committee on licensing is to be continued, or discharged "with thanks."

Mr. BISHOP moved that it be continued, which was seconded.

Mr. CARROLL: Before that question is put to a vote I would like to say a few words. The matter of licensing stenographers is one which we have looked at from one or two points only so far, and that seems to have been that they should be licensed, either by the state or some department under control of the state. It would seem to me there is another method of attaining the same result, a method which would appeal to us with equal strength, and perhaps may receive some consideration from the bar of the state and from others employing stenographers. For many years before other professional men received their diplomas from legally constituted bodies those men undertook themselves to impress the stamp of fitness upon their brothers. They undertook to examine them; they undertook to certify as to their qualifications. If this state has shown a disinclination to license various vocations and callings, and among them the stenographers, it does not preclude stenographers themselves from licensing stenographers. A membership in the New York State Stenographers' Association I regard as *prima facie* a certification of qualification. A membership in the New York City Stenographers' Association we who are members of that association regard as *prima facie* a certificate of minimum capacity, because every man or woman who is a member of that association has had to pass a test for fitness; that test is prescribed in the by-laws. In the State Association, with the present membership, I can see no reason why that certificate might not be issued without further inquiry, and in the case of all new applicants I should think barring satisfactory inquiry as to their fitness, that such certificate or license emanating from the association itself should be based only on proven fitness. In this way a membership in this association would constitute practically a license and secure the benefits which have accrued to the Canadians from their chartered association, and which have accrued to the accountants who are chartered accountants.

It makes a very considerable difference whether a man in practice as a shorthand writer, as a lawyer, a physician or an accountant, has the recognition and approval of his brothers in such profession or vocation. And while the state has shown so decided a disinclination to take up this matter as to have rendered it prac-

ically futile, in our opinion, to have attempted to secure any legislation last year, we thought that the movement might come from within the body of stenographers themselves, and we should take the initiative in this matter.

MR. BISHOP: Mr. President, I suppose I am out of the range of any benefit or damage that might come from any licensing, by the state or anybody else, of stenographers; and I am not on my feet either to advocate the passage of a law licensing stenographers, but one or two points in the remarks that have just been made are so obviously aside the mark, or indicative of such failure to appreciate the situation that I cannot quite sit still and not answer them. On my way to the city I looked through the papers to see if any reference was made to the proceedings of the National Association. I looked in several papers, and I could not find a single paragraph, and whether the proceedings of this New York State Association will be any more elaborately summarized by the press, or not at all, is a matter of uncertainty, as far as I am concerned. Probably not one lawyer in ten in this state has any knowledge of the existence of the New York State Stenographers' Association, and I doubt if more than 100 out of the 6,000 or 7,000 in New York City know of the existence of the New York City Association, of which my friend Carroll is a member. Now, what effect, as influencing, or affecting, or appealing to lawyers who do not know anything about an association, a certificate from that association is going to have, is a mystery to me. I do not see where the influence can come in. Among stenographers, we can make it a standard, where we have occasion to employ stenographers to help us out, where we have more work than we can attend to. We could respect the certificate of the association, but for the people who do not know anything about the association, who do not know anything about its character or standing, or whether a certificate is worth two cents or not — what effect is its certificate to have on those people? and those people are the ones to whom you go to look for employment. So my point is that that suggestion that while membership in the association would carry weight and be a first-rate thing among ourselves, and good for ourselves, would obviously fail in remedying the primary evil for which the licensing of stenographers has been suggested. The trouble seems to have been that among lawyers, especially in New York City, and I understand it is so outside, who have shorthand amanuenses in their offices to whom they give office dictations, they will shove them in on short or not very important examinations, as frequently as they can, whether they are competent or incompetent, and in that way shut out the competent stenographers. But this certificate by the association would not affect that situation in the least. The point is to arrange, if you arrange at all, some effective method

which will shut out the taking of testimony, as much as possible, by those who are incompetent to do so.

Mr. CARROLL: I do not expect that Mr. Bishop will read all of the papers, but a Buffalo paper Wednesday morning devoted more than half a column to the meeting of the National Association, and if he will look at the *Express* of Wednesday morning, he will find it there; and it also gave a list of the names and number of stenographers there, and where they were from.

Mr. McLoughlin: I would also refer Mr. Bishop to the *Courier* of Monday afternoon.

Mr. BISHOP: It was the *Express* I looked at. In looking through the paper, and looking for various headings, I did not see anything with relation to the National Association's meeting, or the New York State's. Even if it were there, that would not at all answer what I have suggested. If you have a half column, or forty or fifty lines, probably with a small heading, upon a topic about which the general public know little, that does not strengthen the argument very much that membership in an association thus referred to is to be such a commanding fact that to the mass of lawyers such membership will constitute a certificate of competency. But the conclusion seems obvious, and I will not take further time in enforcing it.

Mr. BEALE: I suppose I may take advantage of the privilege extended to us by the vote of the convention to speak briefly on this subject. It appeals to me perhaps more than any other subject which was discussed at our own convention, and perhaps more than any other which will be discussed at yours. Mr. Carroll's suggestion is so closely in line with one which I made myself, and one which has been made on several occasions before our New England Association and before the National Association, that I would like to say a word or two. I usually agree with brother Bishop upon all matters stenographic, still in this case I think he overlooks the weight of our professional influence in such matters. I think if a member of brother Bishop's family were ill, and he had a choice between a registered nurse and one unregistered, even though the nurses themselves conduct the registering, he would certainly employ a registered nurse.

Mr. BISHOP: That would depend upon who made the registration.

Mr. BEALE: Never mind let the nurses make it themselves. They do make it themselves. I am speaking of the conditions in Boston. In Boston there is a registry of nurses which the nurses themselves originally started, conducted, I suppose, under the superintendence of physicians, and patronized by the public almost to the exclusion of all others. However, that may not have been a very good illustration. But in almost all lines of business persons who engage in

any vocation have to show their fitness for the work in order to secure employment. In shorthand, however, nothing of the kind seems to be necessary. Any one who has passed through the usual three months' course, if you would call it so, in a business college or shorthand school such as was described to us very graphically yesterday, is accepted by the public, if they wish to hang out their shingle as an expert shorthand reporter.

Mr. SIDNEY C. ORMSBY: Do you think the mere fact that this profession or association licensed their members would make any difference?

Mr. BEALE: I do not know the conditions fully enough in New York City to state, but I feel sure that in Boston it would. For instance, with a lawyer who was employing a stenographer to do court work, or take a case before an auditor or commissioner, if he found that some stenographers were approved by the association, our New England Association, he would take it for granted that they had qualifications not possessed by those otherwise situated. I feel sure it would take time to accomplish anything of the kind, but all movements have to be started, and started on a small basis. If it were properly advertised, as the association could readily do, among the lawyers, that people wishing to do such work were examined and duly certificated by the association if they were proficient, and were not so certificated if they were not, it would assure the public that those who had the grade of certification were proficient, and I think there is but very little doubt if there were a dozen stenographers who had such certificates that they would see to it that the fact of their possessing them should be made known to all, and, so far as being a guarantee of proficiency, I think they would impress it very strongly upon every lawyer with whom they came in contact. While I should much like to see a system of certification conducted by the state and a proper board appointed by the legislature for that purpose, still, lacking that, or pending that, I think we ourselves should start it, as Mr. Carroll suggests, and show by our own acts that we believe in designating who are the proper people for the work. I think it would go far towards educating the public upon such matters, and I do not think it would be long, if anything of the kind were started, before all first-class reporters, simply as a matter of course, would secure such a certificate, and having done so, the lawyer who cares for good work, and I think the majority would prefer to have their work properly done, would be very sure to insist that the stenographer doing his work had such a certificate. For these reasons I believe that Mr. Carroll's suggestion is a good one, and I am quite sure, although no action was taken by our association on the matter, that it was the sense of our convention that something of the kind should be done, and I certainly hope that it will be done by your association as an

incentive perhaps to others to follow. I see no possible harm in it, and the possibility that great good may come out of it.

Mr. BISHOP: I do not want to monopolize this discussion, but I would like to say, in reply to the illustration which my friend Beale has used as to the nurses, that *they* began on their own account — and I think Mr. Ormsby and I agree as to the fact; that they are graduated from colleges, and thus get a certificate corresponding to that of a physician's certificate. We have begun. We have done all that which Mr. Carroll suggests, but it may have happened that it has not always turned out that in conferring membership and thus, impliedly, a certificate of competency, we have always given a proper certificate. I could name people who have come into this association, and have gone out of it, to the credit of the association, whose competency none of us would take the risk of proclaiming, and whom none of our professional shorthand writers would accept as substitutes, in cases that were important or required shorthand ability. I remember, years ago, when we had the old association of New York law stenographers, we had the terms of admission very clearly and closely fixed — much more clearly and closely than they are in the New York State Association, and the criticism of some men, when they found out about it, was that we were starting a sort of a trades union, and it was erroneously supposed that we were somewhat rather in the position of the union men of the Amalgamated Association now with reference to the great steel corporation. And that suggests an observation: the Amalgamated Association think the great steel corporation rather favors the non-union men, and that is possibly one reason why the fight is "on." I doubt whether such a certificate, even though it were as Mr. Beale describes, would be of much avail, without a statutory enactment, as against the determination of many officers and lawyers in New York City to get all the work they can out of the often poorly compensated amanuenses they have in their own offices. Not long ago I was in the office of a New York lawyer, and while there somebody telephoned him, reminding him that they had an examination, and inquired if he could go on. "Yes," he said, "and if you will come to my office I will furnish the stenographer, and you won't have any expense about that." It is exactly that sort of thing which I suppose our friends of the present City Association are fighting; that the existence of such conditions is something they want to get the better of. I suppose that is why they want the license legislation. You understand, I am not interested in the matter pecuniarily, because I am substantially confined to another field.

Mr. CARROLL: Mr. President, I think it is an evidence of our own good faith in ourselves, and we could not do any possible harm if we tried such a thing. It has been practically decided in

the New York City Association that that should be done, and that certificates of membership should be granted. Now, the only certificate of membership that we have to show in this association is the treasurer's receipt for our annual dues.

I think that Mr. Bishop has strangely underrated the importance of the New York State Stenographers' Association. I had imagined — I do not profess to know as well as he does its importance, or to have contributed so much to it, because I have been a member but a short time; but I have considered, from my knowledge of the personnel and from the knowledge of lawyers of the personnel, because I have heard them speak of it, and I know that lawyers are more interested in the question of stenographers and know more of their general reputation than we generally suppose, and frequently when a lawyer wants to employ a stenographer he does not ask another lawyer whom to employ, he asks a stenographer whether such and such a man is a competent man. Now, an official statement from us that he is a competent man would certainly bring into play the rule of exclusion which to that extent would put us in a better position than we now are. I think it is an evidence of our good faith, and are earnest in this matter of our desire to weed out the incompetent and help the competent, which I presume to be one of the objects of this association, and I think we ought to take the initiative in some form.

MR. BISHOP: I would like to ask a question, which Mr. Carroll's remarks suggest to me. Is there any provision in our constitution by which, if we should ever find that some member of our association is thoroughly incompetent, he can be weeded out? I do not know if there is.

MR. S. C. ORMSBY: Mr. President, I regret very much to disagree with my friend Carroll, and I am very sorry indeed that he has introduced this topic this afternoon in its present form, because I believe that it is, to say the least, only academical; that it is impracticable, and that the fact that it is not feasible is borne out by the history of this profession in this state. The New York City Association was founded on that theory. We carefully excluded everybody who did not submit to a prescribed test, believing that by doing so we would gain respect from the legal profession, and that they would possibly give us a little preference because we were a body of stenographers who had shown our qualifications within certain limits. Now, the history of the New York City Association is that its members have never received one dollar's worth of work by reason of this self-imposed demonstration of fitness. I think the same state of facts exists as far as the chartered accountants are concerned. I do not believe that the fact that he holds a certificate as a chartered accountant gives any member of that association one dollar's worth of business. I know account-

ants who are not chartered accountants who say they prefer not to belong to the chartered accountants, they do not want to tie themselves down; that they do not think it contributes to their business at all, and they have refused to join the association. Now, I also know this fact, that when our association sent a committee up to the New York Bar Association to present the question of licenses and to get their support, we were met by the argument of a committee of lawyers and judges that there was no need for licensing, that the lawyer himself was the best judge of who was a competent stenographer, that they did not want the stenographers to interfere at all, but to leave it entirely in the hands of the lawyer, where it had always been heretofore, and that they practically declined their support on that theory. I do not believe that if we adopt a test for membership and undertake to license our members and to say to the public that if a man is a member of this association he has certain qualifications that ought to entitle him to support from the public it would have a bit of effect on the employing public. I think it only would be wasting our time and energy in binding ourselves to any such scheme, and I hope we will not do so.

THE PRESIDENT: The question is whether the committee on the licensing of stenographers shall be continued. (Carried.)

Mr. BAILEY moved that Mr. J. B. Campbell, of Spartanburg, S. C., and Mr. Clarence E. Walker, of Louisville, Ky., be constituted honorary members of the association. Mr. ROSK moved that the name of Mr. William D. Bridge, of Orange, N. J., be included, and Mr. BISHOP moved that the name of Mr. George Angus, of Toronto, Canada, be included. Carried.

The following paper was presented:

OBSERVATIONS ON SPEAKING AND SPEAKERS.

BY WILLIAM WHITFORD, OF CHICAGO.

I SHALL confine my remarks, criticisms and observations largely to speakers in general, mentioning here and there a few examples of our greatest orators whose speeches or lectures I have had the pleasure of reporting.

The communication of thoughts by means of spoken language is an art that cannot be acquired to any great degree of perfection except by long and continued practice. Some speakers are more highly gifted than others with facility of expression, and they are naturally endowed with the power of eloquence; but to none is it at all times an easy process to embody, in exact and appropriate language, the various trains of ideas that are passing through the mind. However distinct may be a speaker's voice, however vivid his conceptions, he is often conscious that the phraseology at his command, particularly in public speaking, is inadequate to do them justice. He seeks in vain the words he needs, and strives

ineffectually to devise forms of expression which shall faithfully portray his thoughts. He employs words and phrases either too general or too limited, too strong or too feeble, which suit neither the occasion nor the subject-matter. No one is more cognizant of this than the stenographer.

Let us consider for a few moments the voice of the speaker. The pitch, intensity, and volume of a speaker's voice have much to do with the work of the stenographer, in that they will greatly expedite his work or render it extremely difficult. A speaker, in addressing a convention in a large hall, may pitch his voice so low that perhaps only one-half of the members can hear distinctly what he says, and it is largely guesswork for the other half to grasp his meaning. If a stenographer be reporting the proceedings of a large association, and the members rise and speak from various parts of the hall, the pitch of the voice will play an important role for good or bad. The acoustics of a hall may be perfect, but if the speaker's voice is improperly pitched, he will be imperfectly heard; and, in such instances, incorrectly reported. It is an irksome task for any stenographer, no matter how acute his hearing may be, to report a speaker who has a low-pitched, thick voice, coupled with a mumbling mode of utterance. On the other hand, the speaker who takes cognizance of acoustics and pitches his voice in a much higher key, if he articulates well, can be heard in the remotest nook or corner of a large hall without apparently any unusual effort. A low-pitched voice, combined with rapidity and indistinctness of utterance, will worry most stenographers. A speaker with a tolerably high-pitched voice may be clear and distinct in utterance, yet excessively rapid in delivery. Mr. Reed has said that the speaker who tries the mettle of the stenographer is the quiet, easy, fluent, conversational style of speaker, who speaks just loudly enough to make himself distinctly heard, and pursues the even tenor of his way without a pause, without emphasis, without anything that can check the rapidity of his utterance.

It is surprising to notice the great difference in tone and distinctness of utterance of public speakers. The Rev. Joseph Parker said that the late Mr. Gladstone had a "rich, round, deep, expansive, melodious, grand voice." The voice of Henry Clay, we are told, had "an indescribable charm. It could ring out in trumpet tones, or it could plead in low, plaintive notes, which pierced and thrilled the hearer." The voice of Daniel Webster was "deep, rich, musical, flexible, and of prodigious volume and force." Mr. Lecky, in writing of O'Connell, says: "With an easy and melodious swell, his voice filled the largest building and triumphed over the wildest tumult, while, at the same time, it conveyed every inflection of feeling with the most delicate flexibility." On the other hand, Thomas Jefferson failed as a speaker simply for lack

of voice. His voice became guttural and inarticulate in moments of great excitement, and the consciousness of this infirmity prevented him from risking his reputation in debate.

Wendell Phillips advised, for public speakers, a sustained conversational tone, a little elevated above the ordinary, with an effort at distinct enunciation. He advised, too, vernacular speech, even colloquial in tone.

A clear, distinct, far-reaching voice is undoubtedly a natural gift, although speakers can do much by training to acquire an agreeable tone. In reporting loud, excitable speakers, we have met with difficulty at times in catching the exact words, owing to deficient enunciation or muffled syllables. Occasionally a great speech is delivered which seems to preserve in print some of the chief elements of its power; but in the vast majority of instances it is but the worthless remains which the most expert stenographer can give of that which, in its utterance, so charmed or electrified the audience. Bright, Gladstone, Phillips, Clay, and other great orators understood the secret of how to pitch the voice so as to make it audible to everybody in a large hall.

The disadvantage of a weak voice or of speaking habitually in a feeble manner is the not being heard at all, or with difficulty. But a more subtle and pernicious consequence is that it reacts unfavorably upon the mode of thought and expression. While speaking too low is a fatal impediment, it is detrimental to speak too loud, for the reason that the ear is pained, the attention distracted, emphasis defective or excessive, the nerves of the hearers irritated, and, if the voice be in any degree strained, it will be neither sweet, soft, nor agreeable.

It is said that a medium pitch should be the basis of speech. From it one may rise or fall, according to intellectual and emotional requirements. Height and depth are necessary. Beecher said, "What a speaker most needs is to strengthen his ordinary conversational voice, without giving it a hard, firm quality; that is, without destroying its flexibility and power of adaptation to every mood." It is a fine art to be able to lower one's pitch.

Some speakers scream on to the end during an animated discussion from sheer exhaustion; others spasmodically fall to a low note, but immediately forget themselves and run up to the same pitch, vociferating until out of breath. Monotony of a low-pitched voice exerts a soporific influence over an audience, which no strength of thought nor beauty of language can wholly counteract; and if there be regularly recurring minor notes, the most startling expressions lose their power. Even to those who do not sleep the sounds bear no sense. The prime object of a speaker should be to make himself understood, and to this end sense should never be sacrificed to sound. The late Mr. Thomas Allen Reed says: "I have heard speakers laboring hard to make themselves clearly

heard by a large audience, but to very little purpose; they have been speaking in their ordinary tone of voice, and straining every nerve after a distinct utterance; but their pitch has been too low. A very little elevation would have made them more audible with much less exertion. I have known speakers with extremely weak voices make themselves well heard in large rooms by simply attending to pitch and clear articulation."

A loud voice may be a very indistinct one, sometimes indistinct because of the loudness. The essence of distinctness is a clear, crisp articulation. With some speakers the vowels absolutely drown the consonants, which have thus no opportunity of asserting themselves, and the result is that the hearers have but a vague conception of the words that are uttered. Audibility is not dependent on volume of sound. Many speakers are unintelligible because of loudness of voice. A peculiar effect is often produced after the first few minutes by the very loud speaker, especially if in a monotone. The auditors are delighted to hear his strong, melodious voice, but after listening for a while they become conscious of difficulty, and before he closes have lost interest. The impact upon the tympanum and upon the finer fibres within has dulled sensibility. Some speakers employ but two tones, one a low pitch, and the other a piercing shriek, which they alternate with uniformity now and again, with no regard of sense or length of the intervals. Others allow the voice to fall at the end of sentences, and occasionally on emphatic words. Those who attain high success as speakers must be heard agreeably, and, if possible, their voices should be musical.

No pains, nor toil, nor time should be spared by a speaker in careful preparation, in making descriptions graphic and forcible, statements lucid, appeals pathetic, in filling the subject with what will both strike and stick. It is necessary that he shall have a clear conception of his subject in order to instruct and convince. Vivid conception generates power. Let the divisions of subjects be clear and logical. These should be simple, natural, progressive, and thoroughly mastered. If possible, he should have facts, points, arguments and illustrations at his tongue's end. There is power in illustration. Let the illustrations be from recent occurrences.

The first duty of a speaker in addressing an audience is to make himself heard. If he speaks very rapidly, his hearers will miss words here and there, and he fails to produce the effect intended. He should be full of his subject and impressed with its importance. He should speak deliberately, enunciate distinctly, and in a natural voice. He should strive to express his thoughts with clearness and force. His peroration should be a sharp, clear summary of established propositions, forced home, perhaps, by an impressive illustration. "One of the cardinal virtues of good

speaking, therefore, is distinctness of utterance. A speaker may be slow and deliberate, may express himself in exceptional English, and be in all other respects easy to report; but if he has not acquired the art of making himself heard, much of what he says loses its effect."

The real secret of effective delivery lies in the ability of a speaker to impress himself with his subject. He for the time becomes the standard by which all thought and feeling and sentiment of a whole assembly are measured; nor can he hope to produce in his hearers an interest greater than his own. A good speaker, as his mind becomes inflamed with unwonted activity, rises to a plane of thought and feeling of which he himself is altogether incapable in his calmer moments. His conception is sharpened and his thoughts come with a clearness and precision that leave no time for hesitation. The mind, as it were, becomes intoxicated with its own ideas. The perception of the hearer is correspondingly quickened, and the audience, catching the inspiration of the speaker, unconsciously rises with him if animated by the same spirit. Speaker and hearer have become thoroughly *en rapport*, and it may be truly said of a great assembly, "a thousand souls with but a single thought, a thousand hearts that beat as one." Ability to become deeply impressed with the subject under consideration, the power to rise to a sublime conception of it in delivery, and the faculty in a speaker of transmitting his own inspiration to his hearers is the real basis of good, effective speaking. While all public speakers can never hope to attain a high type of oratory, still some may be greatly benefited by a better understanding of the principles that underlie good speaking.

In these days there is a growing tendency on the part of lawyers, clergymen and physicians toward greater simplicity of expression. A thimble is called a thimble, and not a semi-perforated indented cone. The modern speaker realizes that to talk effectively one must speak pointedly and clearly. Simplicity, therefore, is really the thing to be sought. In this connection I am reminded of a story which is told of a Doctor Skinner, an eminent theologian. He was unable to use simple words in preaching or lecturing. One Sunday he was asked to address a Sunday school class, which he consented to do, and he began his address in this wise: "The Westminster catechism is an admirable syllabus of Christian doctrine." As soon as he had uttered those words, the superintendent intimated that the children could not understand him, whereupon he said: "Your superintendent informs me that you do not understand what I say. Let me explain: Syllabus, my dear children, is synonymous with synopsis."

The average rate of public speaking is put down in shorthand text-books at 120 words per minute. This average is too low for the medical profession, notwithstanding its members deal largely

in technical terms. As there is a marked tendency for public speakers to adopt the conversational method of speaking, I believe that those figures should be revised, although I am aware that the rate of speaking of some of the greatest orators varies from 90 to 130 words per minute. For instance, it is said that John Bright and Gladstone, in beginning their speeches, rarely exceeded eighty-five words per minute, but as soon as they became interested and deeply absorbed in the subject in hand, their rate of speaking ranged all the way from 85 to 140 words per minute, and during flights of oratory they would reach 150 or more words per minute for a short time.

Bryan, the democratic candidate for President, in delivering an address to a large audience in Chicago several months ago, spoke so slowly that his speech was taken verbatim by an expert typewritist. He did not exceed eighty-two words per minute. Bryan belongs to the clear, distinct, unassuming type of speakers. He talks with great care and precision. He has a pleasing, penetrating, far-reaching voice and can entertain and instruct even those who do not believe in "16 to 1." He uses simple language and talks to convince and to be understood.

The late Col. Ingersoll, one of America's greatest orators, was a vivid, eloquent and brilliant speaker. He was never at a loss for a word. His lectures showed careful preparation and deep thought. He had an unusually good command of the English language, and was undoubtedly the greatest word-painter America has ever produced. Some of his sentences, short and pointed, were models of syntax. Others, while a little involved, were full of rollicking humor and scintillations of wit. The only way a stenographer could do justice to any of his speeches was to report him verbatim. His average rate of speaking was 135 words per minute, and he could keep it up for hours without apparently any strain on his voice, which was that of a sustained, animated conversational tone. My estimate of his rate of speaking is based on four lectures which I reported for a local newspaper several years ago.

To show you how some people's minds are swayed by the power of eloquence, during a flight of oratory the Colonel, in referring to immortality, said (in a lecture which I was reporting): "Love was the first to dream of immortality. It shines upon the child; it sheds its radiance upon the peaceful tomb. Without that divine passion, without that divine sway, we are worse than beasts, and with it earth is heaven, and we are gods." There were two ladies sitting near the table at which I was taking notes, and after that eloquent outburst by the Colonel, one of them said to the other, "Isn't that wonderful! He must be a lovely man. Oh, I wish he was *my* husband." I had occasion years ago to report two lectures and four sermons by the late Henry Ward Beecher. He was undoubtedly

the most brilliant public orator of America. Beecher was to America what Spurgeon was to England — a great man, endowed with the rarest and most versatile abilities. He had a magnificent voice. It was flexible and musical, and he was the master of its intonations. He knew how to use it. His voice accommodated itself to every kind of thought and every shade of feeling. When he was thoroughly interested and aroused his oratory was like an impetuous mountain torrent in a still night. His manner in the pulpit was as original as the man. His eloquence was not the product of art, but the spontaneous outgushing of a mind bursting with intellectual riches, and of a heart burning with zeal for truth and love for God and man. An expert stenographer had no difficulty in reporting him.

One of the most rapid speakers in the medical profession I have ever reported was the late Dr. Charles T. Parkes, Professor of Surgery in Rush Medical College. I reported twelve lectures for him on fractures and dislocations. These lectures were delivered without notes. His average rate, during a fifty-minute lecture, was 175 words per minute. He belonged to the jerky, spasmodic type of speakers. Words fell from his lips in volleys, and each volley was usually preceded by a short grunt. Only a rough estimate can be given of the speed of any speaker, for the reason that his rate of utterance will vary with the nature of the subject, his familiarity with it, etc.

A type of speaker which we are frequently called upon to report is the gentleman who is badly afflicted with what is technically known as logorrhoea. Permit me to quote in this connection Washington Irving, who says:

"Redundancy of language is never found with deep reflection. Verbiage may indicate observation, but not thinking. He who thinks much says but little in proportion to his thoughts. He selects that language which will convey his ideas in the most explicit and direct manner. He tries to compress as much thought as possible into a few words. On the contrary, the man who talks everlastingly and promiscuously, who seems to have an exhaustless magazine of sound, crowds so many words into his thoughts that he always obscures, and very frequently conceals, them."

Mr. Theodore C. Rose, in an admirable paper presented before this Association, described a type of lawyers who hide and bury their ideas beneath a mountain of needless words, and quoted Pope, the poet, as saying:

"Words are like leaves, and where they most abound,
Much fruit of sense beneath is rarely found."

Let us listen to Lincoln for a moment on tautological and long drawn-out addresses to juries.

Once during an argument in a lawsuit, in which Lincoln represented one party, the lawyer on the opposite side was a glib talker

but not considered much of a thinker. He would say anything to a jury which happened to enter his head. Lincoln, in his address to the jury, referring to this, said: "My friend on the other side would be all right were it not for a peculiarity I am about to chronicle. His habit of reckless assertion and statements without grounds need not be imputed to him as a moral fault. He cannot help it. The oratory of the gentleman completely suspends all action of his mind. The moment he begins to talk, his mental operations cease. I never knew of but one thing which compared with my friend in this particular. That was a small steamboat. Back in the days when I performed my part as a keel-boatman, I made the acquaintance of a trifling little steamboat which used to bustle and puff and wheeze about the Sangamon river. It had a five-foot boiler and seven-foot whistle, and every time it whistled it stopped."

Long sentences are fatal to clearness and force, however well constructed they may be, and should be studiously avoided.

Precision is also of the utmost importance, and can only be attained by a nice discrimination in the use of words. Such words should be chosen as shall express the exact shade and quality of meaning required by the context.

Ambiguity is another foe to clearness. The arrangement, as well as the language, should be such that we not only may, but that we *must*, be understood. The first principle of strong oral composition demands the employment of as few words as will clearly express the thought. This rule, carefully followed, will eliminate redundancy, circumlocution, and all kindred evils that weaken the style of many otherwise good speakers.

Much depends upon the analysis of the subject and the plan of delivery. Many gifted with a certain eloquence of voice and manner, have a faculty of entertaining their auditors with a sort of medley in which neither plan nor purpose is apparent. They may discontinue speaking at any point, and no one would feel its incompleteness, or be in any wise disconcerted. After hearing such a speaker one is conscious of having remembered nothing in particular, and carries away no impression save that of having been pleased. With other speakers the marshaling of sentences and propositions is apparent from the beginning and the march to a conclusion as concerted and orderly as the advancing columns of an army.

As one of the greatest elements of success in good speaking may be mentioned careful and thorough preparation, and a clear idea of the subject to be discussed. No speaker can expect to sway his hearers unless he is a perfect master of the subject in hand. In growing earnest, impressive, or in reaching for a climax, it is not necessary for him to rant or roar. Much energy is wasted by professors in lecturing to students in this way that might be advan-

tageously saved. To be energetic and eloquent, it is not necessary to declaim boisterously.

Many speakers begin speaking before they know precisely what they mean to say. Others perceive things clearly, and those having this power, though of slow mind, may speak more coherently and fluently than those who, without clearness of thought, possess greater animation. The unlearned and untrained may think as clearly and deeply, within the circle of their powers, as the accomplished; and frequently, on account of freedom from abstraction or distraction produced by a multiplicity of ideas, they penetrate to the heart of a subject, and reason more shrewdly and correctly than do the educated. They frequently surpass the average college professor in clearness of thought, command of language, ease and vigor of expression.

It is sometimes not only very difficult but exasperating to report the speeches of men who think in one language and speak in another. In the course of my professional work, the duty devolves upon me to report the speeches of several gentlemen who think in German or French and speak in English. These men are eminent French and German scholars; they can speak their native tongue with great precision, fluency and accuracy, but their knowledge of the English language is imperfect. Their ideas are excellent, but are not clothed in good, terse, vigorous English. The method I adopt in dealing with such men, especially if I am familiar with the subject, is to seize the salient points, if possible, rather than take down their exact words, and then elaborate them or practically re write their speeches. Of course, it takes more time to do this, but it will save one's reputation. I am referring now to the short speeches that are made during a debate. I find this plan proves much more satisfactory than a verbatim report. Furthermore, there is not one-tenth the risk of misrepresenting the speaker that there would be in strictly adhering to his own words. Many expert reporters have won the highest praise and have added laurels to their reputations by writing what speakers should have said, rather than what they really did say. Other equally eminent and painstaking reporters, who have taken down the words of speakers with scrupulous accuracy and rendered literal transcripts, have been denounced as incompetent and fit subjects for an insane asylum. If the reporter is not familiar with the subject, in the case of bad speakers he should report them verbatim, and let them revise their own speeches, particularly if he is working by the folio.

Paucity of language is a common defect of extemporaneous speech, and a stenographic report of several speeches delivered by the same person will exhibit this defect in a mortifying manner, when, in response to the requests of those who have heard them, the orator attempts to collect them for publication. It is then

difficult for him to believe his vocabulary so meager, the forms of his sentences so similar, that so many phrases often recur, and that there seems to be an irresistible tendency to use the same words even when other words express the shade of meaning which he endeavors to communicate with greater accuracy than the familiar terms which go so trippingly over his lips. Excess of repetition in the same speech is a serious evil and sufficient to account for the lack of success which attends many who are nobly endowed in voice and figure, and not destitute of a rich and expressive vocabulary.

Scattered throughout a reporter's notebook will be found such oft-recurring phrases as, "Permit me to say;" "I am ready to declare;" "I am bound to maintain;" "this is a fact and nobody can deny it;" "Mr. Speaker, when I say this I mean that;" "in addition to this I mean;" "what I mean is this;" "it seems to me;" "one word more and I am done."

These are a few of the many examples of such oft-repeated expressions. The legal, ministerial and medical professions are alike guilty in this regard.

I want to turn the tables on those gentlemen who not infrequently unjustly assail us for inaccurate reports. Speakers every now and then will severely and unjustly denounce reports of lectures or speeches as inaccurate without stopping to think of the causes which lead to it. Briefly, inaccurate reports may be largely attributed to:

1. Noises in the room or hall in which the reporter is taking notes.
2. Indistinct utterance or imperfect enunciation on the part of the speaker.
3. A conversation being carried on near the reporter's table between two members while some one is addressing the society.
4. The speaker dropping his voice at the end of sentences, the final words being inaudible or doubtfully heard.
5. Extreme hoarseness on the part of the speaker.
6. Too great a distance between reporter and speaker, particularly when the latter has a voice of feeble carrying power.
7. Stifling of the speaker's voice by the noise of a car heard through open windows.
8. Sneezing or coughing during debate.
9. The slamming of doors.
10. Noises from the street during hot weather when the windows of the hall in which a meeting is being held are open.
11. Clearing of the throat on the part of some person while another is speaking.
12. Partial, but temporary, deafness on the part of the reporter induced by cold.
13. A change in the physical and mental conditions of the

reporter, induced by a long siege of note-taking, the mind acting sluggishly, the muscles protestingly.

14. The speaker turning his back toward the reporter.

15. Carelessness of the speaker.

I have no doubt that many inaccurate statements can be attributed to some of the causes I have mentioned. Many of you will recall that a noted divine in a sermon exclaimed, "Behold the martyr in a sheet of fire!" He was very much surprised to see it printed in a newspaper the following morning, "Behold the martyr with his shirt on fire!"

The art of speaking well is not confined to statesmen, lawyers and clergymen. The medical profession, like the ministerial and legal professions, has orators within its ranks. The experienced doctor strives to use the simplest and most expressive words.

Dr. Charles A. L. Reed, of Cincinnati, is a splendid example of the extemporaneous speaker. As a debater he is well equipped. His well-rounded sentences are marvels of construction. No matter how sudden the summons, or what the subject, a speech from him is always interesting. His rhetoric is faultless; his delivery graceful and easy.

Dr. Joseph M. Mathews, of Louisville, is an easy, graceful, fluent, fascinating, polished speaker. His style is notable for its simplicity. He can adorn any subject. His speeches are eloquent, and, at times, abound with pathos and flashes of wit and humor.

Dr. Nicholas Senn, of Chicago, is another fluent, forcible and impressive speaker. He has an admirable control of the English language. There is a richness in his diction, a copiousness, ease and variety in his expressions which are rarely surpassed by the best extemporaneous speakers. The arrangement of his sentences in debate seems never to have been studied, yet every word falls into its proper place. He is remarkably cool and collected and displays his ability as a debater to best advantage when under a heavy fire.

(For a classification of speakers I refer the members to the transactions of this association for 1898, in connection with my paper entitled "Some Phases of Medical Reporting.")

I have had the pleasure of reporting the speeches of several eminent lawyers from time to time, and, to speak candidly, I must confess that they were not the superiors in any sense of many of the physicians whose impromptu remarks I have reported.

SUMMARY.

From what has been said, we may reasonably summarize our observations on speaking and speakers, as follows:

1. The average speaker lacks facility of expression and does not, at times, use language either befitting the subject or the occasion.

2. The pitch and volume of a speaker's voice enable the stenographer to make a more accurate and complete report than when the words are uttered in a low, indistinct tone.

3. The most startling expressions and brilliant passages in a speech or lecture lose their power when spoken in a feeble, dull, and indifferent manner.

4. A medium pitch is considered the basis of speech.

5. It is not necessary for a public speaker to rant, roar, or be intensely dramatic either during a debate or in delivering a lecture. (Some people mistake boisterous declamation for eloquence.)

6. The first duty of speakers is to make themselves clearly heard when they know their speeches are being taken for publication.

7. The essence of distinctness is a clear, crisp, articulation.

8. When notified, speakers should carefully and thoroughly prepare themselves, and not inflict long, incoherent and windy speeches on intelligent audiences.

9. The secret of a good, effective delivery lies in the ability of a speaker to become thoroughly imbued with his subject.

10. Simplicity of expression should be studiously cultivated.

11. Most of our greatest orators are the most deliberate speakers. They carefully prepare themselves, and strive for accuracy of statement and great precision in the use of words.

12. Impoverishment of language is a sad defect in extemporaneous speech, and those who contemplate becoming public speakers should strive diligently to guard against it.

13. The two qualities in a speaker which most delight reporter and hearers are lucidity of thought and distinct utterance.

14. Purity of tone, clearness of enunciation, and deliberate utterance are what make public speakers heard and interesting.

Mr. Geo. H. THORNTON: Mr. President, within the last month Mr. Charles G. Tinsley, who was a former president of this association, died at Minneapolis. I understand that Mr. Rodgers has prepared a memorial in regard to his death. I think Mr. Tinsley was not a member of this association at the time of his death, but he was, as I say, a former president, and a very well-known stenographer in his day in this state, one of the original members of the association, and I therefore move that Mr. Rodgers be requested to present his memorial at this time. (Carried.)

Mr. RODGERS said:

Mr. President and Members: Twenty years ago, lacking a few hours, there officiated as our presiding officer Mr. Charles G. Tinsley, who, on the 14th of last month, at Minneapolis, Minn., ceased from all earthly activity. As one of the original founders of this association, if not its primary architect, and having creditably

acquitted the position of president for one year and that of secretary-treasurer for two years, and having been a hearty member and attendant of our first half-dozen gatherings, it is appropriate that we should dedicate a word to the memory of "Charlie."

Mr. Tinsley was born in Cazenovia, this state, about fifty-seven years ago. With his two brothers he learned the printer's trade, which he followed as a compositor until 1863, when he entered the navy, serving on the "Vermont" in southern waters. After an honorable discharge, and as he could spare time from his duties at "the case," at my advice he equipped himself for what proved to be a first-class stenographer. For a long period our lines were cast together—as brother compositors, as mutual students of shorthand, as co-workers in the United States secret service and United States courts, and later in the handling of several daily copy and other cases in the State courts. I thus became as familiar with his character and characteristics as any person could be with the habits and tastes of another. While our paths have diverged for many years, the pleasant recollection of those earlier years has not been and cannot be effaced, and I would be recreant if I allowed the occasion to pass without a word for the sake of old times.

Mr. Tinsley located at Syracuse, receiving his principal shorthand education under that grand, model teacher, Prof. John B. Holmes, in Syracuse, a city which has graduated more successful court stenographers than any city of like size in the state and perhaps in the country. The class of that day embraced the genial Swartz, the argumentative Weaver, the natty Hitchcock, the dispassionate Walch, the lithe and nervous Fritcher, the ministerial Davis, the easy-going Bender and Spaulding, together with Dolphin, Martin, and Nivins, and others whose names escape me; and of that band Tinsley was easily the Artemus Ward. After graduation he soon received appointment under Col. Wood, chief of the secret service, and by virtue of this position did much reporting in the United States courts, and need I tell you he was a most skilful reporter? He was one of the old school, and had little charity and patience with so many of the present day who imagine that a few homœopathic methods, coupled with a little natural tact and manual dexterity, embrace all that is required of a good stenographer. He could make a good report under the most adverse conditions, and was certainly the peer of the best. He used lengthened standard stenography. For many years he conducted a most successful business, being associated for the greater part of that time with Mr. Fred. J. Morgan, under the firm name of Tinsley & Morgan. In 1883 he located in Minneapolis, where up to the time of his death he was connected with the courts of Minnesota. He succumbed to an attack of nephritis after an illness of about two weeks.

For many years good fortune incessantly nudged his elbow, but she finally wearied of his improvidence, (for in some respects he resembled Webster), and left him in the free-for-all race.

Not every man has the natural endowments which characterized Mr. Tinsley. He combined in goodly proportions those qualities which promise professional success. He was quick in perception, intuitive as a woman, and naturally had a heart enlarged by the noblest impulses. I doubt if he ever had a real enemy. His magnetism was great, his wit and satire were keen without wounding, and his friendship to be esteemed. Perhaps his most marked characteristic was his generosity, which was only limited by his means. His sympathies were almost boundless; he was a friend to the poor and the unfortunate, and swift to extend aid to the distressed. It was his rule never to refuse alms even though he knew they were unmerited. He lacked one element of success, that indomitable, enthusiastic determination to succeed, but rather trusted to "luck." He had the necessary learning; he had the intellectual ability; he had sound common sense. But some inscrutable Providence prevented the full fruition of the hopes of his friends and checked the usefulness which his talents might have won for him. I do not speak this to his discredit, for where, after all, is there one of us who possesses all the excellencies which will win the highest grade in our avocation? Had he, however, a fault, it was one of weakness, not wickedness; if he erred it was never against another, but always against himself. In his principles he was just, in his feelings tender as a child. He was a ready, happy composer, and delighted in paraphrasing well-known verse, — many of you will recall his "Charge of the Lightning Judge."

The Minneapolis Tribune refers to him as "An historical character in stenographic circles," and further says, "He was an adept at his work and has taken some severe and critical trials in his time. He was full of anecdote and was a pleasant and lively companion. He had a good command of the English language and was a bright and ready rhymster and considerable of a wit. Among the attorneys he was a familiar figure, and his long association with the law in this county made him a valuable man for reference. He was a generous, genial, kindly man, and will be greatly missed by his many friends."

MR. THORNTON: I assume this memorial will get upon the minutes without any motion. If such be the case, I move that a committee be appointed to prepare a memorial appropriate to the recent death of Mr. William H. Slocum, a former president of this association. (Carried.)

The president appointed the following committee: Messrs. Thornton, Bailey and Bishop.

MR. BISHOP: It may surprise the president, as I have not notified him of it, to be informed that I have a short paper on the subject

of a recent decision by the Maryland Court of Appeals; a paper which I prepared after leaving home. It may seem preferable to leave it unread, as it is not quite completed. I will read what I have of it now, and complete it later, or will leave it merely to be printed — whichever the association prefers. I think it can be read in ten minutes.

The PRESIDENT suggested that the paper be now read, and Mr. Bishop read the following:

A NOTEWORTHY APPLICATION OF THE LAW OF LIBEL.

BY GEO. R. BISHOP, NEW YORK CITY.

AT our 1888 meeting I submitted remarks on the *Furnishing of Transcripts of Shorthand Notes*, in which I attempted to indicate how, by the indiscriminate furnishing of such transcripts, the stenographer might render himself amenable to the charge of having been *particeps* in disseminating matter that was libelous, and be held liable thereon. I cited several authorities and dicta, from which I thought it clearly appeared that there certainly were limitations on his right and duty in that regard, if analogies and authorities were of any value whatever. And I cited one eminent authority to show that while an attorney was privileged, as such, to utter, on a trial, words which, if spoken elsewhere, on an occasion not privileged, might be held to be libelous, that same authority was explicit in declaring that even such an officer of the court could not with impunity print and circulate to the general public the same words which he might legitimately have spoken in the course of a trial; in short, that the special privilege accorded to counsel was strictly limited to the occasion, and carefully circumscribed; indeed, as Sir Frederick Pollock, in his *Torts*, expresses it, "The fact that imputations have been made on a privileged occasion will not exempt from liability a person who repeats them, on an occasion not privileged." And I argued thence that the stenographer was also under a strict limitation; that he could not with impunity give out — say to a newspaper for publication, or with a possibility that it might be made public — transcripts containing words of a defamatory character, which he might have been in duty bound to deliver to a party to the action or his attorney, or to the judge who presided at the trial; that if he did so, he assumed the risk of being prosecuted, by any one aggrieved by his act. I thus sought to impress upon stenographers who might read my essay that it behooved them to exercise much caution, in supplying their transcripts to parties not designated in the Code as "parties entitled" to such records, even assuming that sections of the Code which will be quoted hereafter were constitutionally unassailable, and must stand, though a party injured might be

thereby deprived of a remedy for an injury inflicted on his reputation.

This last remark enables me to say that while, in looking over this old essay, I have found it contains a more exhaustive discussion of the subject than I had remembered, I have been more impressed, on re-reading it, with the presentation in it of a point of law on the subject of what is generally known as constitutional limitations, than with anything else it embodies. I find that I considered the question briefly to what extent definite permissive or mandatory legislation on this subject might be held to exempt the stenographer from liability for the furnishing of transcripts containing libelous matter. I doubt not it is generally assumed that the mandate of a statute will protect an officer from the consequences of any act done by him in strict conformity to the statutory provision, or conformably to a demand such as the statute permits the making of — such as demanding a transcript of stenographic notes. I cited several authorities to show that such a statute does not necessarily afford protection; that there were certain fundamental rights of the citizen, remedies for punishing violations of which no legislation was competent to deprive him of; that whatever the "omnipotence of Parliament" in the country from which we have derived so much of our jurisprudence and so many of our political ideas — whatever the power of the legislature there to change the constitution by a mere legislative fiat, and, as in the case of the Scottish Crofters' Act, to work a forfeiture of vested rights — no such power resided in legislatures here, in this land of written constitutions and the permanent incorporation into our jurisprudence of the principle that a court may declare void a statute that is in contravention of a provision of the Constitution. So it was argued that a statute which might seem to exempt an official from liability for certain acts might not, after all, work such exemption if it seemed to deprive the citizen of every remedy against the invasion or violation of a substantive right. (See pages 77, 78, Proceedings of 1888.)

Though Lord Blackburn is quoted as having said (5 R. & S., 390), that "the law on the subject of disparaging words spoken of other persons is not in a satisfactory state," the view I have expressed above seems to have been established in this country beyond hazard of reversal or of material modification.

The practical result would of course be that if a request came to him from one not a party to or interested in an action to furnish a transcript of matter that was defamatory, contained in the stenographic record, the safe course for that stenographer would be to refuse compliance or to accord it only on an order of the court, duly made and definitely expressed, after argument of the question. This might be inconvenient, and it might be claimed that the imposition of such a duty would be unreasonably onerous; but

it is well established in this country and in England that public officers — officials of courts, finance departments, etc. — are often called on to answer in damages for invasions of personal rights committed in the execution of statutes. Sheriffs, under state laws, have this experience, and collectors of customs and other federal officials have a similar experience.

It is true that the framers of our New York Codes — various enactments of them — have sought to define the position and the privilege of, among others, the reporter, and also to define conditions under which he shall not be liable. The following are inserted from the Code to illustrate this:

Section 1907. — "An action, civil or criminal, cannot be maintained against a reporter, editor, publisher or proprietor of a newspaper, if the publication consists of a fair and true report of any judicial, legislative, or other public or official proceedings, without proving actual malice in making the report." (Laws of 1854, Ch. 130, Sections 1, 2.)

Section 1908. — "The last section does not apply to libel contained in the heading of a report, nor in any other matter added by any person concerned in the publication, nor in its report of anything said or done at the time and place of the public and official proceedings, which are not part thereof."

In connection with the above the thought arises whether the first of the sections quoted does not apply exclusively, in its use of the word "reporter," to reporters for newspapers; so that whatever exemption from liability the section affords would be construed as being thus limited, and as affording no relief to the official stenographer; thus throwing him back on the limited right and duty to furnish transcripts merely to parties "entitled by law" thereto, with no further specification of who such parties are. Obviously, also, this leaves out of consideration the principle established by decisions cited in my former paper, and as previously mentioned, that a statute (and a Code of Procedure is merely that), passed with whatever solemnity, would be insufficient protection if, in seeking to protect, it deprived the citizen of every remedy against an invasion of his rights.

Reference has been made to communications which the law regards as privileged; that is, communications made under circumstances which courts have united in regarding as sufficient to exempt from liability. It may be interesting to consider, for a moment, what circumstances or conditions will take a communication out of the unprivileged category, and place it in the privileged; and on the question of what is privileged, it is understood that the courts have assumed jurisdiction to determine it, and have determined it, on each occasion on which it has arisen. Concededly, it has been a little difficult to fix a definite rule, for the reason that the fixing of it must so largely depend on the conditions or facts

of each particular case. One summary of matters privileged states the rule under four heads: 1st, the privilege exists where the publication of an alleged slander was made in good faith, in the discharge of a public or private duty, legal or moral, or in the prosecution of one's own rights or interests; 2, as to anything said or written by a master concerning the character of a servant who has been in his employment; 3, words used in the course of a legal or judicial proceeding; and, 4, publications duly made in the ordinary course of parliamentary (legislative) proceedings. (*White v. Nichols*, 3 U. S. R., 266.)

The New York Penal Code says, Section 253: "A communication made to a person entitled to or interested in the communication, by one who was also interested in or entitled to make it, or who stood in such relation to the former as to afford a reasonable ground for supposing his motive innocent, is presumed not to be malicious, and is called a privileged communication."

"Where the writer is acting on any duty, legal or moral, towards the person to whom he writes, or where he is, by his situation, to protect the interest of that person, that which he writes, under such circumstances, is a privileged communication, and no action will lie for what is thus written, unless the writer be actuated by malice." (*Cockayne v. Hodgkinson*, 5 C. & P., 542.)

Mr. Townshend, in his *Slander and Libel*, p. 301, edition of 1890, makes a very clear statement of the matter in these words:

"One may publish, by speech or writing, whatever he honestly believes is essential to the protection of his own rights or the rights of another, provided the publication is not needlessly made, to others than those persons whom the publisher honestly believes can assist him in the protection of his rights, nor to others than those whom he honestly believes will, by reason of a knowledge of the matter published, be better enabled to assist or to protect from invasion either their own rights or the rights of others intrusted to their guardianship."

The same writer quotes the words of Mr. Justice Blackburn, in *Davies v. Sneed* (L. R., 5 Q. B. Div., 611), as below

"Where a person is so situated that it becomes right, in the interest of society, that he should state, to a third party, certain facts, then if he bona fide and without malice does tell them, it is a privileged communication."

And he quotes Mr. Justice Brett's words of commendation concerning this statement of the law, thus:

"It is the best. It leaves out all misleading words, saying nothing about duty, and states in fair terms what I conceive to be the rule." (7 Law Reports, Q. B., 622.)

These are statements of the law generally — its general principles; and it will probably require much ingenuity and effort to make it appear that they apply to the case of an official stenog-

rapher deliberating on whether or not he can safely hand over to any party not especially entitled to the record as a party in interest, parts of his record containing defamatory matter, especially if he has reason to suppose it is asked for by some one who desires to publish it in a newspaper, the one most complete means of giving it wide publicity.

Having hinted at the result of my examination of the question discussed in 1888, as embodied in my paper of that year and as strengthened by the additional citations now made, I am willing to dismiss that discussion, not further encumbering our proceedings with new arguments. I desire, however, to call attention to another phase of the law of libel — as affecting shorthand writers; not so much, in this instance, affecting the professional writer as it does the office stenographer or shorthand clerk who takes office dictations; though, as extensive users of stenographic amanuenses, we would be liable to be affected, possibly seriously, if the decision of the Court of Appeals of the State of Maryland, to the language of which I propose to ask your attention, were to be concurred in by the highest courts of other states and by the Federal courts. The decision referred to, reported in 48 *Atlantic Reporter*, p. 730, as inserted in Mr. Howard's *Phonographic Magazine* for July, this year, will be added as a note, and can be read by those who shall read this paper. I commend to the readers of this the reading of the whole of the decision as reported. Along with the observations therein, which seem to me to be liable to criticism, there are many that are undoubtedly sound; and substantially all would, no doubt, be sound, if we could turn the dial back and recur to and place ourselves in the midst of a much earlier order of things. It appears that it was argued before the court, that inasmuch as the stenographer referred to was the private and confidential stenographer of the defendant, and, in view of modern conditions, such employment of stenographers has become a necessity, and such amanuenses are under contractual and moral obligations to regard all dictations as confidential, such dictation should not be regarded as a "publication," in the sense of making "publication" of utterances that may be libelous; but that the court declared such argument to be untenable, sagely remarking — and this, as will be perceived, was a begging of the whole question — that neither the prevalence of any business customs or methods, nor the pressure of business which compels resort to stenographic assistance "*can make that legal which is illegal, nor make that innocent which would otherwise be actionable.*" The court further declares that it has no doubt the mere dictation of these letters to the stenographer was the publication of a slander, for which, *if nothing further had been done by either* — that is, if the notes had never been transcribed, nor any transcript mailed, or shown, to anybody — an action of slander could have been maintained; and that the stenographic

notes, the typewritten copy, and the letter-press copy, constituted the *publication* of a libel — "publication," of course, in the sense of the law of libel.

Obviously, the decision maintains the old doctrine of "publication" in all its unmitigated strictness; it exhibits not the slightest toning down of the old common-law view of the matter. No one can complain that the decision contains any ambiguity; it is unmistakable in its expression of what the law is in the State of Maryland as construed by its highest court. The application of the decision might not be very wide, as it might happen that not many would desire to dictate libelous matter, defamatory words, to a stenographic amanuensis; but it is the principle that we are to consider, not the multiplicity of the instances to which it might be applicable. Whether the application be wide or restricted is immaterial to our discussion.

The question to interest us — and to interest those who conduct their correspondence by shorthand dication, is — Should a dictation, to one who may be called the *alter ego* of the person making the dictation, be construed, under and taking into account the modern system of conducting correspondence and inditing documents, as being a *publication*, within the meaning of the law of libel? Was the Maryland court right or reasonable in so holding?

It is not to be denied that under the common law the decision has its analogies in late jurisprudence. The same eminent authority from which I have quoted — one of the most respectable in England — says that "an open message, passed through the hands of a telegraph clerk, or a manuscript through those of a compositor in a printing office, is enough to constitute a *publication*, to those persons, if they are capable of understanding the matter so delivered to them;" and "every repetition of defamatory words is a new publication, and a distinct cause of action." But is there not a slight difference? Is not the amanuensis closer to the author — nearer to being his *alter ego*, being in his own personal employ, and very likely pledged to secrecy as to everything dictated to him — than are the employes of a telegraph company or a printing office, of neither of which is the patron the proprietor? So that, even if the dictum as to the telegraph clerk and the compositor were maintainable, are not the relations so different that we might well contend that the words dictated to the amanuensis should not be considered as having been spoken at all, in the sense of publication, until transcription shall have been made, and the matter transmitted to some third party in whose hands it would have an effect prejudicial to the party who was the subject of the defamatory expressions? True, the amanuensis might be faithless to the confidence reposed in him, and might bruit the matter abroad, giving it publicity; but would it not be time enough when that were done to determine that *publication* had been made — in

that case holding responsible the amanuensis, as well as the principal who had made the dictations? That would seem consistent theoretically; for that would be holding the author's other self, as the law might well regard the amanuensis, as well as the originator of the libelous words, accountable — as a newspaper publishing defamatory matter is held liable, with the man who contributed such matter to its columns. And suppose counsel were himself disabled from writing, and there was no way of getting his points or facts on paper, except by such dictation? Ought there not to be in the law a capacity or susceptibility of adjusting itself to such conditions of disablement, as well as to general modern conditions? Great lawyers have thought it ought to be capable of such adjustment; and the history of the law shows that on many topics there has been such adaptation. Justice Story, of the United States Supreme Court, author of so many of our great legal treatises, thought so, and so expressed himself. He said, in his paper of more than sixty years ago on the life of Hon. Isaac Parker, chief justice of the Supreme Judicial Court of Massachusetts, of that great judge:

"He felt, as Lord Ellenborough before him had felt, that the rules, not of evidence merely but of all substantial law, must widen with the wants of society; that they must have flexibility as well as strength; that they must accomplish the ends of justice, not bury it beneath the pressure of their own weight."

That evidently should be kept in view — that the law, on whatever subject, should have the ends of justice as its objective, and be so framed as to bring those ends to accomplishment. Every one familiar with the subject knows that our system of equity jurisprudence has, under the manipulation of Lord Eldon and the other great masters of equity, been the subject of numerous modifications, in the effort to keep it abreast of the conditions of real life, from decade to decade; and international law has exhibited an equal flexibility. It would seem that one step towards such a "broadening of substantial law" as to "meet the wants of society," including new business methods, would be, as our society is now organized, to hold, that so long as an amanuensis remains merely the hand, as it were, by which the composer of a paper holds his pen, so long as he says nothing to any one about any defamatory words, and so long as they are not repeated — so long both author and amanuensis shall remain undisturbed, exempt from liability; that neither shall be held liable until there shall have been a real "*publication*," in no technical sense; in short, till the matter shall have been communicated to some one in whose mind is sought to be created an impression inimical to some third party — a party who would be entitled to legal redress, for actionable language, "published" in a real sense.

To hold otherwise might involve paradoxical if not grotesque

applications, where only "sweet reasonableness" was intended; as I think the Court of Appeals of Maryland might have discovered had it reasoned the matter out a little more thoroughly. If it be correct to hold that the mere dictating of libelous matter to an amanuensis constitutes *publication*, then it would seem to follow that the lawyer who dictates, before a trial, a brief or a summary of evidence he proposes to introduce, or an affidavit containing defamatory matter, privileged in court but not privileged out of court, might become liable for that which was *necessary* to be done in order to properly prepare his case for his client, and secure the rendering of justice to him. He may utter language in court which he would not be permitted to print and circulate; it is only in court that he is protected in the use of it; the dictation of a memorandum of what he proposed to prove, or of a set of points — all of it work that might be absolutely necessary to be done, in order that the ends of justice might be secured — being *out of court*, dictated to an amanuensis, might be libelous, because not "privileged" except as uttered in court; and a man might thus be punished for taking the necessary preliminary steps to the doing of his duty by his client! The decision might involve, by its plain terms, an extension of the application of the restrictive principle to such a degree as to thwart the ends of justice, by hampering counsel in their preparation of their cases. This would seem to be true though the dictation were never referred to outside the office of the counsel except on the trial, the latter an occasion entirely protected and privileged — the mere dictation to an office clerk who wrote shorthand, constituting *publication*. And this anomaly might also emerge in connection with correspondence entirely privileged — written to parties described in my quotations from Mr. Townshend's work. It is a well-known principle that we may stand in such a relation to others — as guardians, trustees, friends, or parties jointly interested — that we are entitled to warn them, to advise them, to indicate to them that certain persons are likely to deceive them or defraud them. In doing that we may often feel it our duty to use disparaging words, and we are entitled to use such words; but if we dictated them, we might apparently be convicted on a charge of libel. We might be convicted as libelers if we dictated to an amanuensis a letter we were entitled to write, or were in duty bound to write; this is true so long as it is held that a *mere dictation* may constitute publication, irrespective of whom the matter may be addressed to, irrespective of what the ulterior consequences may be, irrespective of the fact that no consequences whatever may follow and no one outside ever know that the letter has been dictated, both amanuensis and writer forgetting it or never mentioning it.

On principle, then, and on the reason of the matter, it would seem that the decision in question failed to recognize or to allow

for the conditions of the later time, when amanuenses, trained to strict confidence, are so universally used, in all walks of intellectual activity, and are so necessary an adjunct of twentieth century civilization; that in this respect it falls short of the standard so well expressed by Judge Story in the words hereinabove quoted.

The following is the decision referred to and commented on in the above paper:

From 48 Atlantic Reporter, 730:

The question was presented by the case of *Gambrill v. Schooley*, whether the dictation of alleged libelous letters to the defendant's private and confidential stenographer, their reduction by her to stenographic characters, and subsequent reduction to the characters of the alphabet by means of a typewriter, their signing by the defendant, and their transmission by his direction to the plaintiff, were in law a publication of such letters, where there was no communication of any of said letters in any manner to any person. The argument that there had been no actionable publication divided itself into two branches. The theory of the first branch was that, while there was in fact a physical or mechanical reception by the stenographer of the thoughts expressed by the defendant, such reception was instantaneous only, and merely sufficient for their reduction to written characters, but that there was no comprehension and no lodgment of their meaning in the brain of the recipient, who acted as a mere phonographer, and whose function in that regard was not a mental, but purely a mechanical process, so that there was no such perception as is requisite to constitute publication. This theory the Court of Appeals of Maryland pronounces both ingenious and subtle: but it says that it cannot be persuaded that it is sound. On the contrary, it says that it cannot doubt that the dictation to the stenographer, though taken down in stenographic characters, produced in her mind as full and complete perception of the thoughts of the defendant as a slower dictation, for the purpose of reduction to ordinary characters, would have produced in the mind of one not a stenographer. If this were not so, there could be no assurance that there would be an accurate reproduction of the matter dictated, such as common knowledge gives assurance of from any skillful stenographer. A communication, therefore, to a stenographer, the court holds, must be regarded precisely as a communication to an ordinary amanuensis, and as establishing all that is ordinarily necessary to constitute publication. The second branch of the argument was that in view of the fact that the stenographer referred to was the private and confidential stenographer of the defendant, and in view of the almost universal employment in this country of such stenographers, and the necessity for such employment consequent upon the demands of business, a communication to such a stenographer

should be made an exception to the general rule, and be held not to be an actionable publication. But the court says that it cannot adopt this view. Apart from any precedent or authority it says that it can perceive no good reason why such an exception should be made to the rule. Neither the prevalence of any business customs or methods, nor the pressure of business which compels resort to stenographic assistance, can make that legal which is illegal, nor make that innocent which would otherwise be actionable. Nor can the fact that the stenographer is under contractual or moral obligation to regard all his employer's communications as confidential alter the reason of the matter. Moreover, it says that the typewriter had no conceivable interest in hearing or seeing the letters, and there could be, therefore, no privilege between her and the defendant. Again, the court says that it has no doubt that the dictation of these letters to the stenographer was the publication of a slander, for which, if nothing further had been done by either, an action of slander could have been maintained, and that it has no more doubt that the stenographic notes, the typewritten copy, and the letter-press copy constituted the publication of a libel, and that either slander or libel could be maintained, as the plaintiff should elect. Finally, the court holds that, the words used here being actionable *per se*, or in and of themselves, although there was no proof of actual and substantial damages sustained by the publications to the stenographer of certain of the letters, the jury could not properly be deprived of their discretion to give exemplary damages if they found malice; nor could they, on the other hand, be deprived of their discretion to refuse to award exemplary damages if they found no malice.

Mr. ROSE moved that Mr. Bishop be requested to complete his paper for publication in the proceedings. Carried.

Mr. BISHOP: In response to that, let me say that Mr. Rose has called himself pointedly to my attention. We all know his wit, but everybody does not know he is a poet. Some of those early papers of his deal in reminiscences, and I think they are among the richest things we have, and I honestly believe if you asked him to do it he would pull out from his pocket an old poem that he had printed, I think, some twenty years ago. I think the chairman might, between now and the time we adjourn, find out if there is anything like that about his person and induce him to read it to us.

Mr. THORNTON: I would like to ask the reader of the last paper if under any construction of the statute it would be possible to get any more than simply nominal damages against a stenographer who was acting in his regular capacity as a stenographer, or an amanuensis who had copied the minutes of a stenographer, in such a case as Mr. Bishop refers to?

Mr. BISHOP: If the party prosecuting showed that the stenographer was an essential element in the furnishing of the record, and he had furnished a fragmentary record, which was really not a "fair report" containing only a part and a misleading part of the proceedings, I do not see any reason why, under the law of libel, as I have looked into it through various authorities, and followed it down through some of the cases — I say I do not see why he could not be held for more than nominal damages.

Mr. THORNTON: I do not see why he could be held for more than nominal damages unless malice were proved.

Mr. BISHOP: Malice might be constructive, as well as real. The stenographer is supposed to be a man of very large knowledge, and might very well be held to the supposition that he did know something of the law. Many who are here have had experience in court for twenty-five years — our friend Thornton has had at least that experience; and my impression is if he furnished anything of that sort — furnished sensational and libelous fragments, which his discretion ought to have indicated he should not have furnished, malice might be inferred, and the stenographer held, as a matter of construction. This of course is an off-hand view of the matter, and I may conclude to add a few observations on this point in completing the paper, under the warrant of the resolution you have just adopted, on Mr. Rose's motion. And now, if this subject is temporarily closed, I would suggest making sure that Mr. Rose's possessions be inventoried, to see if he hasn't that poem somewhere about him.

Mr. T. C. ROSE: Mr. President, I have been requested to read an old jingle of mine, written in the old days. I repeat it from memory, and I do not know that I have it quite correct. It was published in Brown's Monthly in 1876, I think, and as I was more modest then, perhaps, than at the present time, it was published over the name of "Ray Porter, Esq." There are some here who have heard it, but I trust there are enough others who have not, that it will be acceptable as a slight contribution to your entertainment. In those days we were younger and more enthusiastic in shorthand matters, and we used sometimes to indulge in little tinkles. Our old friend, Charlie Tinsley, of whom Mr. Rodgers has to-day so eloquently spoken, wrote a little echo entitled "The Charge of the Lightning Judge," after the style of "The Charge of the Light Brigade," in which he depicted the failure of the stenographer in trying to report a rapid speaker. I undertook to answer it somewhat after the style of "Sheridan's Ride," in which I depicted the grand success of the stenographer in a like situation.

THE CHARGE OF THE LIGHTNING JUDGE.

Up from the Bench the other day,
Bringing to *Stenos* fresh dismay,
(As he thought of his failures oft before),
Rose the Lightning Judge to *charge* once more.
The day was warm, the hour late,
And the Judge started off at a rapid rate,
And soon was going like the wind
With *Stenos* fifteen words behind.

Then faster still from that swift tongue rolled
The words, like a torrent uncontrolled ;
Till through the Court House seemed to pour
Two hundred words a minute or more.
And there in the shade of the waning light,
Shoving his pen with all his might,
With lips compressed, to his desk inclined
Sat *Stenos* twenty words behind.

Then fast from his pen the dashes flowed
Like chicken tracks in a muddy road ;
And as he thought of the terrible need,
He scratched away with his utmost speed.
But soon o'er his face came a pleasant smile,
As he began to "catch on" to the Judge's style,
And as phrase and signword came to mind,
He soon was scarcely ten words behind.

The first that came to his mind were the groups
Of hooks and circles ; and then the loops.
Now a phrase would bring him up close, or perchance
Would carry him two or three words in advance.
So, for page after page, away he sped,
Sometimes behind, and sometimes ahead,
And when they reached the end, — do you mind ?
The Judge was fifteen words behind !

Mr. CHARLES H. REQUA read the following:

THE MAN BEHIND THE PEN.

Let the poet write, in rhythmic line,
Bright song and vivid story,
As the oak and the ivy intertwine
'Round our flagstaff crowned with glory,
Of the man unflinching behind the gun,
Intrepid, brave and fearless,
Who fought the Dago and made him run
Before a nation peerless,

But mine be the song of the equally brave,
In the battle of life ne'er quailing ;
In Court, at his desk or wherever he slave,
And whether in health or ailing ;
Who chases the sputtering legal light,
And the even more rambling witness,
At a "zoo" clip in their onward flight
Regardless of the fitness.

Of the stuff they spout to the case at bar,
 Forgetting the Court and jury,
 In their hemorrhagic, verbal war,
 And their wild, impetuous fury.
 Their rhetoric? Pardon me while I smile;
 Their grammar? Oh, Lindley Murray,
 What would you say as they gallop away
 In their incomprehensible hurry?

Lex into the English language hurls,
 Ad nauseam, broken glass;
 While the witness' responsive (?) verbal pearls
 But write him down an ass,
 Then the Court arises, with solemn mien,
 From the chair he so long sat in;
 Dresses the stage and shifts the scene,
 And hands down judicial Latin.

The charge on the law, when finally made,
 To the patient, suffering jury,
 Would rival the charge of the Light Brigade
 In intensity and fury,
 Yet the patient, quiet, stenographer,
 Who chases with flying pen,
 The lightning lawyer, the rapid Judge,
 And the indistinct witness — then

Is the time indeed that tries men's souls,
 As with one almighty clasp
 He throws out his Stenographic net,
 And holds them in his grasp.
 Then the song of the man behind the gun
 Is a song for other men.
 Be mine the song, and only the song,
 Of the man behind the pen.

The PRESIDENT: If there are any other poems of this character concealed in inside pockets, I hope they will be brought forth.

Gentlemen, I might suggest something for your consideration. You have noticed here during the sessions of the different associations since Monday a representation of various typewriting machines for the use of the members, and, likewise, the manufacturer of a well-known fountain pen has an exhibit here, and I believe he has the goods for sale. It strikes me it would be well if a motion were made that our secretary send invitations to the manufacturers of various goods in which we are interested, notifying them of our next meeting place, so that if they so desired they could place samples of their goods in our meeting room, such as typewriting machines, carbon papers, duplicating apparatus, fountain pens, and other accessories.

Mr. THORNTON: I would like to ask if any member here has had any experience with the new electric typewriters?

Mr. CLARENCE E. WALKER: Some inquiry was made a few moments ago as to points of interest to stenographers in the Exposition.

I was directed to one thing in the Government building which is an exhibit by the Cahill Electric Typewriter Co., which will repay anyone for a visit. I understand they are not for sale. I have carefully examined the machine, and can give a sort of general description of it. In general appearance it looks like a slight modification of the Remington No. 2, except that the frame is about an inch and a half taller. Of course, this much difference is noticeable at once. Another thing that strikes one at first glance is that the type-bars and hangers are very much heavier than in the ordinary machine. Underneath one of the ribbon spools is a magnet and back of that is a small rheostat. These are the only things that are really different from the ordinary machines as far as a casual observation would disclose. I wrote on the machine and the dip of the keys is practically nothing. The weight of your little finger will press the key the distance necessary. Running the whole width of the machine is a heavy, universal bar. When a key is depressed the electrical connection is made, and this universal bar is jerked upward with extreme rapidity. This jerks the type corresponding to the key, and when the universal bar is at the top of its stroke the current reverses in some manner and brings the universal bar down, leaving the type-bar to fall of its own weight. The effect of this is that you do not have to take your finger off a key before striking another, which, of course, renders the machine much faster than any of the old style machines can possibly be. The touch, of course, is radically different from the old touch, as you want a legato instead of a staccato movement.

When I first heard of the electric machines I was rather disposed to think there was nothing in them, and while I do not pretend to say this is a perfect machine, and do not think I am competent to do so, the machine is a practical machine and I have not the slightest doubt will soon be seen in nearly all of our offices.

I noticed what I thought was one slight defect in the machine, but I think it appears to be a defect by comparison. When you strike a letter twice there seems to be a catch on the second stroke. I do not think this is a real defect, but that it grows out of the fact that when you repeat a letter you have to actually raise the finger quickly to strike again, and not having to raise the fingers on the other keys with any quick movement, it makes it appear that there is a defect on the double letters.

I understand that the Blickensderfer Co. also has an electric machine with some very good points, but I have not yet seen it. It is in the building that most of the other typewriters are.

I am requested to say a word about duplicating. In common with most other reporters I have for years been endeavoring to get a good duplicating process. I have invested in several only to find that the money was wasted. Some months ago I got a circular offering to send a sample of a new duplicating material called the

Eureka Duplicator, manufactured by the Beck Duplicator Co., 72 and 74 Beaver street, New York. If it had involved the expenditure of a cent it would probably have gone into the waste basket, but here was an opportunity to try something at the manufacturer's expense, and we availed ourselves of it. The sample came and we tried it, and so impressed with it were we that we ordered a goodly quantity of the material. It looked like a cross between blue clay and putty. It uses any ordinary hektograph ribbon, though I believe the ribbon furnished by the Beck people is better than any ordinary hektograph ribbon. You write on a single sheet of paper and then transfer it to the plate exactly like any duplicator, and you can make from the plate as many as twenty-five good, readable copies. The first five or six look like originals, and the first ten are quite good, better in fact than from ordinary carbon.

The advantages of using this instead of carbon are many. We have investigated the matter rather thoroughly in our office, having done an immense quantity of several copy work in the last year. It is cheaper to use this material if you have to make as many as two extra copies. Where only one copy is desired carbon is a little the cheapest.

Another advantage is, if you make a slight mistake, knowing at the time that you have made a mistake, you can erase it with a rubber and correct. If at the completion of your work you find an error on any page, instead of re-writing the whole page, by re-writing that line or possibly two or three lines and pasting the correction right over the sheet you can make your copies as well as if no mistake has been made. There is quite a gain in speed over old methods. We have decided that with this method you can go about as fast again as when making five carbons. I have said that the work looks like original. Of course, anyone who is accustomed to duplicated work could tell that it was not original from the fact that the punctuation points are not struck through the paper at all, but to the ordinary layman it looks like original work. In fact in a recent large job I had the lawyer who was getting the fourth copy, (I was only making four copies), laugh about my giving him the original and charging the other side the same price for a copy.

The material comes in five-pound cans, and by simply getting a shallow tin pan yourself, and cutting the material in flat strips and hammering down the edges you will soon get a level surface. When you have taken your copies it does not take you ten seconds to remove it. Take a sponge slightly moistened and rub the surface gently once or twice and the plate is gone. Then spread a newspaper over the surface of the material, rub your hand over it once or twice and it is ready for another plate. It is well when you take the newspaper off to hold the plate up to the light and see that all the moisture is off. If there is any moisture on the plate it will spoil your next copy. You can tell whether there is

any by seeing a glistening appearance, which you can remove by again applying the newspaper.

Mr. Rodgers added a few words in corroboration of Mr. Walker's commendation of the Duplicator, and warmly recommended it as not only an expeditious and cleanly process for manifolding, but a time, money and labor saver in the highest degree.

Mr. BEALE: Mr. President, if I may be allowed to say just a word on something not bearing upon this subject. We had on the programme of the National association a feature which promised to be of a great deal of interest, a lecture by Prof. Hefley on the history of shorthand, which was to be illustrated by stereopticon views, and also a very fine collection of rare old shorthand works and manuscripts, some of them nearly three hundred years old. Prof. Hefley unfortunately was kept away, and Mr. Howard, who was going to contribute the greater part of this collection, has not been able to get here, but the collection was sent to me and is here, and those who are at all interested in the historical and literary and curious side of shorthand would do well to come to the Hotel Raleigh to-night at eight o'clock, when I will exhibit those curiosities of shorthand. Some of them probably never could be seen again, because in many cases the only copies owned in the world, so far as we know, are owned by Mr. Howard or Mr. Rockwell or by myself or some other person who has contributed them. Among them are some of the earliest specimens of shorthand reporting in this country, some shorthand diaries written more than two hundred and fifty years ago, and a chronological list of all the text books of all the important systems from the beginning of English shorthand to the present time. There is also a collection of bibles, testaments, prayer-books, etc., in shorthand, showing how in early times the use of shorthand was largely applied to religious matters, including a very rare copy of Rich's new testament, which is only about two inches square and an inch wide, containing the whole of the new testament, printed in 1659. There is also something that would interest almost anyone who uses any Pitmanic system, and that is a copy of the exceedingly rare "Stenographic Soundhand," the first work of Isaac Pitman. I know of only two copies in this country, one of which I have here for exhibition. There are also specimens of the works of many other writers which I will not take up your time in enumerating now, but I hope all who are interested in such matters will come to the parlor of the Hotel Raleigh to-night at eight o'clock.

The PRESIDENT. It has been suggested that our constitution, which was printed some time ago, and of course but few copies are present, be printed in our proceedings of this year so that every one might have a copy of our constitution. It has also been suggested that before that printing is done the constitution should be

revised and brought up to date. If there are any changes to be made it would necessitate the adoption of the amendments at our next meeting. If such seems to be the pleasure of the association a motion might be made that a committee of three be appointed to revise our constitution and report at our next meeting.

Mr. WAT. L. ORMSBY: It strikes me, Mr. President, if we are to have the constitution revised we would better not have it printed this year.

The PRESIDENT: I agree with that. It will have to be submitted to the convention next year. It was suggested that it be printed in this year's proceedings, and then the subsequent suggestion was made that it be revised, which would prohibit its publication this year.

Mr. ROSE moved that such a committee be appointed. (Carried.)

The president appointed as such committee Messrs. Law, Ruso and Kelly.

The PRESIDENT: Another thing we do not want to overlook, and that is the remuneration of our secretary-treasurer.

Mr. McLoughlin moved that the secretary be allowed the usual amount for his services. (Carried.)

The PRESIDENT: Is Mr. Bailey ready to report on the place of our next meeting?

Mr. BAILEY: The committee has determined to report in favor of holding the next meeting at Saratoga Springs.

Mr. BISHOP moved that the report be received and the recommendation be adopted. (Carried.)

The PRESIDENT: We will now hear from the committee on the nomination of officers.

Mr. McLoughlin: Mr. President, those of us who were fortunate enough to be present yesterday at the meeting of the National association listened to an excellent essay on the subject of "Our debt to our profession." This committee on nominations feels that there is one man in our association who has already paid that debt which he owes to the stenographic profession, and paid it well, and we believe that the profession at large in the state of New York now owes him a debt of gratitude, which this committee will, so far as it can, proceed to pay by reporting that we recommend the election of the following officers for the ensuing year:

For president, Sydney C. Ormsby, of New York; vice-president, Charles H. Bailey, of Buffalo; secretary-treasurer, George A. Murray, of Albany; librarian, Miss M. Jeanette Ballantyne, of Rochester; executive committee, John P. Martin, New York; John C. Uhlein, Watertown; Thomas R. Griffith, Rochester; Henry W. Thorne, Johnstown, and David N. Brice, Albany.

On motion, the report of the committee was received and adopted.

On motion, the secretary cast one ballot for the officers named.

The PRESIDENT: One of the most pleasant features of my administration has been the report of your nominating committee. The selection of the gentlemen named has certainly been most excellent, particularly so the head of the ticket. I have known Mr. Ormsby and worked under him. He is one of our most accomplished and best all around stenographers in the city of New York, and a learned gentleman. It certainly gives me pleasure, more than I can express, to invite Mr. Ormsby to assume the chair.

President-elect Ormsby, upon assuming the chair, said: Mr. President, in accepting an office like this I know it is usual to use the somewhat stereotyped phrase that it is the proudest and happiest moment of our lives; but while this is certainly the proudest moment of my life, I think I can hardly say it is the happiest moment, because in accepting the mantle of Elijah I do so with a great deal of fear and apprehension as to my ability to properly perform the duties of the office. However, as the position is not a life one, as the association takes its officers in homeopathic doses of one year, I will try do to my best, and I hope you will not be disappointed with the result of my labors. I thank you for your kindness and the honor conferred upon me.

Mr. Thornton moved that a vote of thanks be extended to the board of commissioners of the New York State building for their courtesy in the matter of furnishing accommodations for the meeting of the association. (Carried.)

Mr. BISHOP: I think, Mr. President, another motion is in order. We have had some very efficient service performed during the past year by the retiring and the continuing officers of this association, and as I am not one of them and have not been on the official list for years I think I am as much at liberty to offer a resolution on that subject as anybody, and, therefore, I move that a vote of thanks be extended by this association to its board of officers, those who retire and those who remain, for the services they have rendered during the past year. (Carried.)

President ORMSBY: I believe that the next in order is the installation of Vice-president Bailey, and I think we may properly call upon him for a few remarks.

Mr. BAILEY: Mr. President, and members of the association, I hardly expected to be honored with an office. My situation has been somewhat like the gentleman from the Emerald Isle, who was standing on a street corner as a funeral procession passed. After several carriages had passed he reverently asked another man who

was also standing there, "Can you tell me whose funeral this is?" and the man said, "I don't know." Then he asked a policeman, after more carriages had passed in review, "Whose funeral is this?" The policeman said, "I don't know." After other carriages had gone by there came a coach in which one lone brother Irishman was riding with dignity befitting the solemn occasion, and our friend said to himself "Now I'll find out whose funeral this is," and so he asked the occupant of the coach, "Whose funeral is this?" and the reply came, "I give it up. I'm only in it for the ride." (Laughter.) I thank you for your courtesy, and as the vice-president has nothing to do, I will endeavor to consistently perform the duties of that office with the accustomed ability of that officer.

Mr. McLoughlin: Mr. President, I take pleasure in announcing that a committee composed of Mr. Hill, of the National association, Mr. Beale, of the New England association, and myself, as representing the New York association, have arranged for a small or large — depending on how many may come — banquet for to-morrow evening at the Hotel Raleigh, at eight o'clock. I understand that a great many of the people attending this convention intend to go to Niagara to-morrow, and if they do they can leave at 11:30 by boat and come back by the trolley in time to attend this little festivity. If those who wish to attend will kindly hand in their names I will see that they are properly provided for.

Mr. WAT. L. ORMSBY: I move that the secretary be instructed to strictly enforce the by-law as to delinquent members relating to discarding their names from the list of members. We are carrying a lot of deadwood, and if they do not pay their assessment we do not want their names upon our books. (Carried.)

Mr. WAT. L. ORMSBY moved that the dues be reduced from \$5.00 a year to \$3.00 a year, or say even \$2.00.

Mr. McLoughlin moved to amend by making it \$1.00 a year.

Mr. Rodgers moved to amend the amendment that there be no assessment made for the current year.

Mr. Bailey: Mr. President, as a rule, anything that we get for nothing is not considered very valuable, and it strikes me that it is starting a precedent that is rather dangerous. I think we can get as many members at a dollar as we can at nothing.

Mr. WAT. L. ORMSBY: I would suggest that it may be an inducement to these delinquents to pay up and remain in for another year.

Mr. Cherry: I rise to a point of order. I think the question of assessment or dues is provided for by the constitution. The executive committee has entire control over that question.

The PRESIDENT: The point of order is well taken. Is there any further business?

Mr. CHERRY: I assume that the publication committee need no direction, but if they should, I would suggest that should any papers come in to-morrow morning, under the assumption that we have no session to-morrow, they be printed in our proceedings as though read to-day.

Mr. BISHOP: I do not know who the papers are from, but I make the suggestion, or motion, that the papers be received and printed in the discretion of the printing committee. The fact is that at one time we did have a paper which had no reference at all to the shorthand profession, and I think I was on the committee at the time, and we dropped it and did not print it. (Motion carried.)

Mr. RODGERS: Should not the publication committee be instructed as to the number of copies of the proceedings to print? The number has varied from 500 to 1,000.

The PRESIDENT: What is the usual number?

Mr. RODGERS: For the last two years 1,000.

Mr. BISHOP moved that the number be 1,000. (Carried.)

Mr. BISHOP moved that it be left in the discretion of the executive committee to arrange for exchanging proceedings, not only with the New England association, with which we already have an arrangement, but with any other State associations that they may choose to get into communication with on that subject. (Carried.)

The Memorial Committee submitted the subjoined:

WILLIAM C. HUSON.

The New York State Stenographers' Association has learned with deep regret of the death of our fellow-member, William C. Huson, who died in the city of New York, January 16, 1901.

To the members of this Committee our departed friend was well and intimately known for many years, as a shorthand reporter of marked ability, as a genial companion and as a beloved and sincere friend.

In his official connection with the New York Supreme Court for many years, he reported, with credit to himself and the profession, many intricate and involved criminal cases. Both as a reference reporter and a reporter in the Supreme Court in the First Judicial District, he earned and deserved the commendation of counsel and of the Court.

His remarkable energy, his untiring zeal, his ability to "get out" a daily copy case, lasting from ten o'clock in the

morning until six o'clock at night, without any relief in court, has often challenged our admiration. He was one of the first of the stenographers in New York city to make use of and appreciate the advantages to be found in transcribing stenographic minutes by the use of the graphophone.

He was strictly honest in all his business transactions. He always insisted that where a stenographer charged a client two folios to a page, that there should be two hundred words, if not more, on each and every page. He never knowingly padded a record to make folios, believing, as he often said, that a stenographer was something more than a mere machine and should exercise the utmost care in transcribing his cases, in order that the Appellate tribunals should not have to wade through a mass of rubbish, having nothing to do with the main issue in the case.

He was charitable to the distressed and unfortunate, and performed acts of mercy and charity, as a true Christian does, without any ostentation and without seeking any applause, save that which came from his own conscience and in the performance of what he believed to be his duty to his brethren in the profession.

In the death of William C. Huson the stenographic profession of New York city has lost a young, energetic, progressive worker, and the New York State Stenographers' Association a valued member.

WILLIAM H. SLOCUM.

Whereas, In the death of William H. Slocum, which occurred on July 15, 1901, our profession lost one of its earliest and for many years one of its most prominent members in the State of New York; and

Whereas, Mr. Slocum was the first and the pioneer official stenographer of the Supreme Court of the Eighth Judicial District, the duties of which position he most satisfactorily performed for many years; and

Whereas, Mr. Slocum was for a long time an active member of this association and at one time held the office of President, conducting said office with befitting dignity and in a manner entirely acceptable to the association; and

Whereas, By his genial qualities and friendly social disposition Mr. Slocum had gained many friends among the members of the judiciary, the bar and the stenographic profession, and for him they uniformly had a high regard; and

Whereas, Mr. Slocum had long fought a courageous but progressively losing fight with a distressing, painful and ultimately fatal malady; therefore be it

Resolved, That this association spread on the minutes of its proceedings this expression of regret and of our regard and appreciation of the excellent qualities and services of said William H. Slocum, and that we tender to the daughter who survives him our sincere sympathy and kindest wishes.

JAMES J. NOONAN.

Whereas, Death removed from our midst our esteemed friend and brother, James J. Noonan, in March last, and

Whereas, This association desires to express its feeling of sincere regret, be it

Resolved, That we record our appreciation of his marked ability, untarnished integrity and faithfulness in the discharge of all his duties, and while bowing in humble submission to the Divine will, mourn his death; and be it

Resolved, That we extend to his family our deepest sympathy.

Upon motion of Mr. BAILEY, the convention at 6:15 P. M. adjourned.

OFFICERS FOR 1901-1902.

PRESIDENT.

Sidney C. Ormsby, - - - New York.

VICE-PRESIDENT.

Charles H. Bailey, - - - Buffalo.

SECRETARY-TREASURER.

George A. Murray, - - - Albany.

LIBRARIAN.

Miss M. Jeanette Ballantyne, - Rochester.

EXECUTIVE COMMITTEE.

John P. Martin, Chairman, New York.
John C. Uhlein, Watertown. Henry W. Thorne, Johnstown.
Thomas R. Griffith, Rochester. David N. Brice, Albany.
The President, *ex-officio*.

EXAMINING COMMITTEE.

First District,	John P. Martin,	New York.
Second District,	Wat. L. Ormsby,	Brooklyn.
Third District,	David N. Brice,	Albany.
Fourth District,	Henry W. Thorne,	Johnstown.
Fifth District,	John H. Wilson,	Syracuse.
Sixth District,	Theodore C. Rose,	Elmira.
Seventh District,	Thomas R. Griffith,	Rochester.
Eighth District,	A. B. Weaver,	Buffalo.

CONVENTION COMMITTEES.

NOMINATION OF OFFICERS.

Spencer C. Rodgers, George R. Bishop, Peter P. McLoughlin.

PLACE OF MEETING.

Charles H. Bailey, Theodore C. Rose, John P. Martin.

ADMISSION OF NEW MEMBERS.

Edward Carroll, Jr., George H. Thornton, Louis Loewenstein.

PUBLICATION COMMITTEE.

George A. Murray, Spencer C. Rodgers, Thomas R. Griffith.

LEGISLATION.

James M. Ruso, Charles H. Bailey, Peter P. McLoughlin.

ON DEATH OF WILLIAM H. SLOCUM.

George H. Thornton, Charles H. Bailey, George R. Bishop.

ON DEATH OF WILLIAM C. HUSON AND JAMES J. NOONAN.

Peter P. McLoughlin, John P. Martin, George F. Flack.

REVISION OF CONSTITUTION AND BY-LAWS.

Robert R. Law, James M. Ruso, John E. Kelly.

CIVIL SERVICE EXAMINATIONS.

Wat. L. Ormsby, Theodore C. Rose, Peter P. McLoughlin,
Leopold Woodle, Charles P. Young,

LICENSING OF STENOGRAPHERS.

Whitefield Sammis, George A. Murray, Peter P. McLoughlin,
Sidney C. Ormsby, John P. Martin.

OFFICERS N. Y. S. S. A.

PRESIDENT.

1876-77 W. W. Osgoodby.
 1877-78 W. W. Osgoodby.
 1878-79 P. Deming.
 1879-80 S. C. Rodgers.
 1880-81 *C. G. Tinsley.
 1881-82 Geo. H. Thornton.
 1882-83 Geo. R. Bishop.
 1883-84 Theo. C. Rose.
 1884-85 A. P. Little.
 1885-86 *Wm. H. Slocum.
 1886-87 *W. O. Wyckoff.
 1887-88 E. B. Dickinson.
 1888-89 B. Moynahan.
 1889-90 Henry L. Beach.
 1890-91 Thos. R. Griffith.
 1891-92 S. C. Rodgers.
 1892-93 Geo. R. Bishop.
 1893-94 Theo. C. Rose.
 1894-95 Chas. F. King.
 1895-96 Geo. H. Thornton.
 1896-97 Robert R. Law.
 1897-98 Peter P. McLoughlin.
 1898-99 Peter P. McLoughlin.
 1899-1900 John E. Kelly.
 1900-1901 William P. Cherry.
 1901-1902 Sidney C. Ormsby.

VICE-PRESIDENT.

W. O. Wyckoff.
 W. O. Wyckoff.
 D. C. McEwen.
 Wm. H. Slocum.
 *Worden E. Payne.
 Fred M. Adams.
 A. P. Little.
 B. Moynahan.
 James M. Ruso.
 Henry L. Beach.
 Geo. C. Appel.
 John B. Murray.
 Thos. R. Griffith.
 Chas. L. Guy.
 Mrs. C. E. Brockway.
 Geo. H. Thornton.
 Chas. F. King.
 Benj. W. Readshaw.
 Norman P. Heffley.
 Mrs. Clara A. White.
 Peter P. McLoughlin.
 Irving C. Hutchins.
 A. B. Weaver.
 W. P. Cherry.
 Sidney C. Ormsby.
 Charles H. Bailey.

SECRETARY-TREASURER.

1876-77 C. G. Tinsley.
 1877-78 C. G. Tinsley.
 1878-79 *William F. Duffield.
 1879-80 Theo. C. Rose.
 1880-81 Geo. H. Thornton.
 1881-82 A. L. Woodward.
 1882-83 Thomas H. Griffith.
 1883-84 Herbert A. Briggs.
 1884-85 M. Jeanette Ballantyne.
 1885-86 Harvey Husted.
 1886-87 *Wm. S. Kershner, (Theo. C. Rose.)
 1887-88 Theo. C. Rose.
 1888-89 Henry L. Beach.
 1889-90 *Mrs. E. F. Rowley.
 1890-91 Mrs. Clara A. White.
 1891-92 Irving C. Hutchins.
 1892-93 Wm. Loeb, Jr.
 1893-94 Etta A. Emens.
 1894-95 Kendrick C. Hill.
 1895-96 Kendrick C. Hill.
 1896-97 Kendrick C. Hill.
 1897-98 Kendrick C. Hill.
 1898-99 Arthur B. Cook.
 1899-1900 Arthur B. Cook.
 1900-1901 George A. Murray.
 1901-1902 George A. Murray.

LIBRARIAN—1885-98 Mrs. Eliza B. Burnz.
 1898-02 Miss M. Jeanette Ballantyne.

*Deceased.

The following meetings of the association have been held since the original call of August 18, 1876:

1. Syracuse, August 26, 1876.
2. Ithaca, August 20, 1877.
3. Rochester, August 21 and 22, 1878.
4. Saratoga Spa, August 20 and 21, 1879.
5. Syracuse, August 19 and 20, 1880.
6. Buffalo, August 24 and 25, 1881.
7. New York, August 1 and 2, 1882.
8. Watkins, August 21 and 22, 1883.
9. Laurel House, Greene County, August 19, 1884.
10. Niagara Falls, August 18 and 19, 1885.
11. Caldwell, August 17 and 18, 1886.
12. Alexandria Bay, August 16 and 17, 1887.
13. Caldwell, August 21 and 22, 1888.
14. Alexandria Bay, August 20 and 21, 1889.
15. Mountain House, Greene County, August 19 and 20, 1890.
16. Rochester, August 18 and 19, 1891.
17. Saratoga Spa, August 25 and 26, 1892.
18. Niagara Falls, August 24 and 25, 1893.
19. West Point, August 23 and 24, 1894.
20. New York, August 22 and 23, 1895.
21. Syracuse, August 27 and 28, 1896.
22. Ontario Beach, August 26 and 27, 1897.
23. Albany, August 25 and 26, 1898.
24. Elmira, August 24 and 25, 1899.
25. Brooklyn, August 23 and 24, 1900.
26. Buffalo, August 22, 1901.

ACTIVE MEMBERS.*

Agan, Lillian E.,	- - - - -	Penn Yan
Bailey, Charles H.,	- - - - -	1098 Ellicott Square, Buffalo
Baker, Fred A.,	- - - - -	Criminal Court Building, New York
Ballantyne, Miss M. Jeanette,	- - - - -	416 Powers Building, Rochester
Barnum, Charles,	- - - - -	Monticello
Beach, Henry L.,	- - - - -	Binghamton
Beard, Frank S.,	- - - - -	Criminal Court Building, New York
Benton, L. A.,	- - - - -	Hornellsville
Betts, George L.,	- - - - -	County Court House, Brooklyn
Bigelow, Timothy,	- - - - -	Room 49, County Court House, Brooklyn
Bishop, George R.,	- - - - -	New York Stock Exchange, New York
Blackman, J. K.,	- - - - -	290 Broadway, New York
Bonynge, William F.,	- - - - -	203 Broadway, New York
Bonynge Clarence,	- - - - -	St. Paul Building, New York
Booth, William C.,	- - - - -	13-21 Park Row, New York
Brice, David N.,	- - - - -	112 State St., Albany
Briggs, Herbert A.,	- - - - -	County Court House, Brooklyn
Bull, Clifton B.,	- - - - -	Court House, Chambers St., New York
Carey, John B.,	- - - - -	Room 49, Court House, Brooklyn
Carroll, Edward, Jr.,	- - - - -	56 Pine St., New York
Chaffee, W. G.,	- - - - -	Phonographic Institute, Oswego
Chapin, Robert C.,	- - - - -	99 White Building, Buffalo
Cherry, William P.,	- - - - -	Room 49, County Court House, Brooklyn
Cleary, D. J.,	- - - - -	Plattsburgh
Cloyd Edwin C.,	- - - - -	34 Pine St., New York
Comstock, William A.,	- - - - -	Court House, Syracuse
Cook, Arthur B.,	- - - - -	Drexel Building, New York
Cotter, John,	- - - - -	County Court House, New York
Cragin, Irving F.,	- - - - -	79 White Building, Buffalo
Crossman, T. E.,	- - - - -	1829 Park Row Building, New York
Donnelly, James A.	- - - - -	Surrogate's Court, New York
Earle, Charles F.,	- - - - -	Court House, Syracuse
Emens, Etta A.,	- - - - -	833 Powers Building, Rochester
Emens, Cora M.,	- - - - -	833 Powers Building, Rochester
Findlay, Charles S.,	- - - - -	6 Lee Ave., Brooklyn
Flack, George F.,	- - - - -	82 Franklin St., New York
Fitzgerald, W. F.,	- - - - -	Schenectady
Griffith, Thomas R.,	- - - - -	409 Powers Building, Rochester
Gulick, Mrs. Nellie C. A.,	- - - - -	Geneva
Hefley, Norman P.	- - - - -	242 Ryerson St., Brooklyn
Hemstreet, William,	- - - - -	1832 Bergen St., Brooklyn
Hill, Frank A.,	- - - - -	Salem
Hill, Kendrick C.,	- - - - -	117 Duane St., New York
Holmes, Miss Jessie E.,	- - - - -	214 Second St., Albany
Hutchins, Irving C.,	- - - - -	409 Powers Building, Rochester
Johnson, Charles F.,	- - - - -	150 Nassau St., New York

Joyce, Charles J.,	- - - - -	County Court House, Brooklyn
Keenan, Francis J.,	- - - - -	Criminal Court Building, New York
Kelly, John E.,	- - - - -	135 First St., Troy
Kelly, M. J.,	- - - - -	72 Tribune Building, New York
Ketcham, John A.,	- - - - -	Syndicate Building, Patchogue
Kiesel, George C.,	- - - - -	921 Park Row Building, New York
King, Charles F.	- - - - -	134 Glen St., Glens Falls
Lammert, H. C.,	- - - - -	539 Bergen St., Brooklyn
Law, Robert R.,	- - - - -	Cambridge
Little, A. P.,	- - - - -	409 Powers Building, Rochester
Loewenstein, Louis,	- - - - -	Court House, Troy
Loughlin, Peter J.,	- - - - -	County Court House, New York
McEntee, Edward C.,	- - - - -	161 Jay St., Albany
McEwen, Daniel C.,	- - - - -	160 Stirling Place, Brooklyn
McLoughlin, Peter P.,	- - - - -	32 Franklin St., New York
McLoughlin, Edward J.,	- - - - -	108 Garfield Pl., Brooklyn
McWatters, Mrs Marie Wilson,	- - - - -	226 E. 15th St., New York
Mambert, Alvin E.,	- - - - -	Court House, Troy
Martin, John P.,	- - - - -	277 Broadway, New York
Mason, Wm. L.,	- - - - -	237 Fourth Ave., New York
Mehan, Miss Rose J.,	- - - - -	78 Eagle St., Troy
Miller, Charles M.,	- - - - -	1133 Broadway, New York
Morgan, Fred J.,	- - - - -	Court House, Syracuse
Morrison, Charles A.,	- - - - -	Court House, Chambers St., New York
Moore, Sarah A.,	- - - - -	314 Baldwin St., Elmira
Moore, James P.,	- - - - -	Surrogate's Court, Buffalo
Moynahan, Bartholomew,	- - - - -	120 Broadway, New York
Munson, George W.,	- - - - -	Rochester
Murdock, Herbert C.,	- - - - -	Court House Annex, Elmira
Murray, George A.,	- - - - -	Tweddle Building, Albany
Murray, John B.,	- - - - -	Delhi
Newell, Wilbur B.,	- - - - -	Court House, Syracuse
North, J. B.,	- - - - -	Fort Edward
Norcross, John E.,	- - - - -	County Court House, Brooklyn
O'Dowd, Farrell F.,	- - - - -	150 Nassau St., New York
O'Neill, Louis F.,	- - - - -	County Building, Albany
Ormsby, Senter H.,	- - - - -	Room 49, County Court House, Brooklyn
Ormsby, Sidney C.,	- - - - -	150 Nassau St., New York
Ormsby, Wat. L.,	- - - - -	Room 49, County Court House, Brooklyn
Ormsby, Waterman L., Jr.,	- - - - -	2116 5th Ave., New York
Osborne, Thomas W.,	- - - - -	32 Franklin St., New York
Osgoodby, Wm. W.,	- - - - -	717 Powers Building, Rochester
Pagan, C. F. H.,	- - - - -	300 Mulberry St., New York
Parsons, Clarence A.,	- - - - -	57 P. O. Building, New York
Potts, John R.,	- - - - -	14 Vesey St., New York
Readshaw, Benj. W.,	- - - - -	128 Bird Ave., Buffalo
Redfern, Caleb R.,	- - - - -	257 W. 44th St., New York
Requa, Charles H.,	- - - - -	Room 49, County Court House, Brooklyn
Richards, John W.,	- - - - -	6 Lee Ave., Brooklyn
Ridgway, Miss A. K.,	- - - - -	145 Broadway, New York
Robbins, Edwin N.,	- - - - -	County Court House, New York

Rodgers, Spencer C.,	- - - - -	115 Oakwood Ave., Troy
Rose, Theodore C.,	- - - - -	Court House Annex, Elmira
Ruso, James M.,	- - - - -	Tweddle Building, Albany
Ryan, Richard W.,	- - - - -	150 Nassau St., New York
Sackett, A. B.,	- - - - -	- - - Canandaigua
Sammis, Whitefield,	- - - - -	150 Nassau St., New York
Shalvey, Edward J.,	- - - - -	81 Nassau St., New York
Smith, Isaac H.,	- - - - -	- - - Peekskill
Smith, Thomas F.,	- - - - -	8th Av., and 23rd St., New York
Smith, Carroll F.,	- - - - -	98 Chestnut St., Albany
Soule, Herbert C.,	- - - - -	717 Powers Building, Rochester
Standfast, John,	- - - - -	County Court House, New York
Teller, Miss Claribel,	- - - - -	- - - Seneca Falls
Thomas, William M.,	- - - - -	Attorney-General's Office, Albany
Thorne, Henry W.,	- - - - -	- - - Johnstown
Tombo, Dr. Rudolf,	- - - - -	587 Walton Ave., New York
Uhlein, John C.,	- - - - -	- - - Watertown
Van Valkenburgh, Willis,	- - - - -	15 Broad St., New York
Vickery, Miles S.,	- - - - -	St. James Bldg, 26th St. & B'way, New York
Walsh, Richard W.,	- - - - -	86 White Building, Buffalo
Warburton, Fred. J.,	- - - - -	Tribune Building, New York
Weaver, A. B.,	- - - - -	2 Erie Co. Bank Building, Buffalo
Weyant, M. V. R.,	- - - - -	27 William St., New York
White, Mrs. Clara A.,	- - - - -	Chemung Bank Building, Elmira
Wilson, John H.,	- - - - -	- - - Court House, Syracuse
Wood, Harry W.,	- - - - -	126th St. and Columbus Ave., New York
Woodle, Leopold,	- - - - -	149 Broadway, New York
Wortman, Wm.,	- - - - -	- - - Hudson
Young, Charles P.,	- - - - -	54 William St., New York
Zieger, George,	- - - - -	170 E. 121st St., New York

HONORARY MEMBERS.*

Angus, George,	-	-	-	-	-	-	-	Toronto
Bacon, James P.,	-	-	-	-	-	-	-	Boston
Beale, Chas. Currier,	-	-	-	-	-	-	-	Court House, Boston
Bender, Charles H.,	-	-	-	-	-	-	-	Circuit Court, Grand Rapids
Bengough, Thomas,	-	-	-	-	-	-	-	79 Adelaide St., E., Toronto
Benham, Miss Katharine E.,	-	-	-	-	-	-	-	Burlington, Vt
Bennett, J. L.,	-	-	-	-	-	-	-	410 Opera House Block, Chicago
Bowman, John G.,	-	-	-	-	-	-	-	627 Walnut St., Philadelphia
Bridge, William D.,	-	-	-	-	-	-	-	Orange, N. J.
Brown, David Wolfe,	-	-	-	-	-	-	-	1702 Oregon Ave., Washington
Burbank, Miss Cora Elisabeth,	-	-	-	-	-	-	-	Tremont Building, Boston
Burnz, Mrs. Eliza B.,	-	-	-	-	-	-	-	New York
Burt, Frank H.,	-	-	-	-	-	-	-	1046 Tremont Building, Boston
Butcher, Nelson R.,	-	-	-	-	-	-	-	Toronto
Campbell, J. B.,	-	-	-	-	-	-	-	Spartanburg, N. C.
Davies, H. J.,	-	-	-	-	-	-	-	Cleveland
Dement, Isaac S.,	-	-	-	-	-	-	-	Chicago
Deming, Philander,	-	-	-	-	-	-	-	12 Jay St., Albany
Demming, Henry C.,	-	-	-	-	-	-	-	15 North 3d St., Harrisburg
Dexjardins, Alphonse,	-	-	-	-	-	-	-	Levis, Canada
Devine, Andrew,	-	-	-	-	-	-	-	185 Broadway, New York
Duke, Buford,	-	-	-	-	-	-	-	Nashville, Tenn
Dunlop, N. Stewart,	-	-	-	-	-	-	-	Toronto
Dyer, Oliver,	-	-	-	-	-	-	-	Warren, R. I.
Easton, Edw. D.,	-	-	-	-	-	-	-	185 Broadway, New York
Gage, Miss Jane A.,	-	-	-	-	-	-	-	Saginaw, Mich.
Gardiner, Edwin R.,	-	-	-	-	-	-	-	Providence, R. I.
Gardner, Stanley,	-	-	-	-	-	-	-	McKeesport, Pa.
Gnichel Frederick W.,	-	-	-	-	-	-	-	122 East State St., Trenton, N. J.
Goodner, Ivan W.,	-	-	-	-	-	-	-	Pierre, S. D.
Head, Arthur,	-	-	-	-	-	-	-	Towanda, Pa.
Hemperley, Francis H.,	-	-	-	-	-	-	-	410 Drexel Building, Philadelphia
Hitchcock, George F.,	-	-	-	-	-	-	-	Minneapolis
Horton, Albert,	-	-	-	-	-	-	-	Toronto
Horton, Edward E.,	-	-	-	-	-	-	-	Toronto
Howard, Jerome B.,	-	-	-	-	-	-	-	Cincinnati
Ireland, Fred.,	-	-	-	-	-	-	-	House of Representatives, Washington
McGurrian, Frank E.,	-	-	-	-	-	-	-	Salt Lake City
Meigs, Charles H.,	-	-	-	-	-	-	-	New Haven
Mimms, John H.,	-	-	-	-	-	-	-	St. Albans, Vt.
Mitchell, Robert W.,	-	-	-	-	-	-	-	Portland, Ore.
Murphy, E. V.,	-	-	-	-	-	-	-	United States Senate, Washington
Pal, D. N.,	-	-	-	-	-	-	-	8 Clive St., Calcutta, India
Patteson, Mrs. S. Louise,	-	-	-	-	-	-	-	Cleveland
Pitman, Benn,	-	-	-	-	-	-	-	Cincinnati

Ritchie, John,	-	-	-	-	-	-	Chicago
Rockwell, Julius Ensign,	-	-	-	-	-	-	Washington, D. C.
Rockwell, Irvin E.,	-	-	-	-	-	-	Chicago
Schrader, Louis E.,	-	-	-	-	-	-	Court House, Wheeling, W. Va.
Shinghaw, D. N.,	-	-	-	-	-	-	Simla Hills, India
Smith, Henry T.,	-	-	-	-	-	-	Toronto
Small, Reuel,	-	-	-	-	-	-	502 Forest Ave., Portland, Me.
Salter, W. H. Gurney,	-	-	-	-	-	-	26 Abingdon St., Westminster, S. W., London
Shuey, Theo. F.,	-	-	-	-	-	-	United States Senate, Washington
Thornton, William H.,	-	-	-	-	-	-	572 Magna St., Buffalo
Walch, Henry F.,	-	-	-	-	-	-	Grand Rapids, Mich.
Walker, Clarence E.,	-	-	-	-	-	-	Louisville, Ky.
Whitford, Wm.,	-	-	-	-	-	-	Columbus Memorial Building, Chicago
Wright, William B.,	-	-	-	-	-	-	82 Devonshire St., Boston
Zeibig, Julius W.,	-	-	-	-	-	-	Dresden, Saxony

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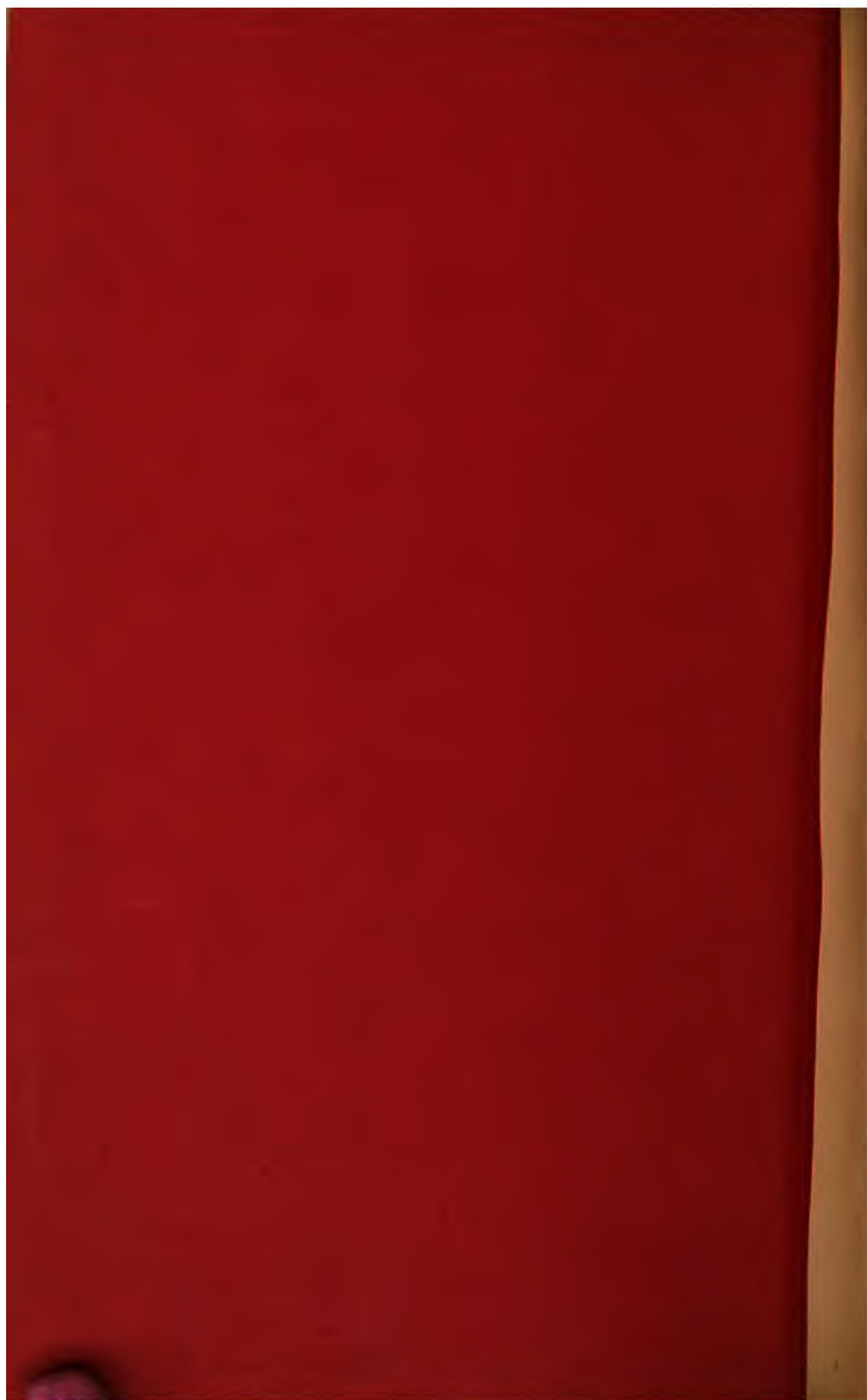






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SIDNEY C. ORMSBY,

President New York State Stenographers' Association.

PROCEEDINGS
of the
NEW YORK STATE
Stenographers' Association,

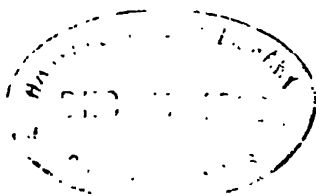
INCLUDING PAPERS READ,
DISCUSSIONS, ETC.,

at the
Twenty-seventh Annual Meeting

held in the
COURT OF APPEALS CHAMBERS, CONVENTION HALL,
SARATOGA SPRINGS, N. Y.,

August 28 and 29, 1902.

ALBANY, N. Y.:
WEED-PARSONS PRINTING COMPANY, PRINTERS.
1902.



... Association

REPORTED BY GEORGE A. MURRAY, ALBANY N. Y.

N. Y. S. S. A.

TWENTY-SEVENTH ANNUAL CONVENTION.

PROCEEDINGS.

The twenty-seventh annual meeting of the New York State Stenographers' Association was held in the Court of Appeals chambers, Convention Hall, Saratoga Springs, N. Y., on Thursday and Friday, August 28 and 29, 1902. The following members were present:

ACTIVE MEMBERS.

BALLANTYNE, MISS M. J.....	Rochester.
BEACH, HENRY L.....	Binghamton.
BISHOP, GEORGE R.....	New York.
CARROLL, JR., EDWARD.....	New York.
HILL, KENDRICK C.....	Trenton.
FITZGERALD, W. F.....	Schenectady.
LAW, ROBERT R.....	Cambridge.
LOEWENSTEIN, LOUIS.....	Troy.
MAMBERT, ALVIN E.....	Troy.
MARTIN, JOHN P.....	New York.
McLOUGHLIN, PETER P.....	New York.
MURRAY, GEORGE A.....	Albany.
ORMSBY, SIDNEY C.....	New York.
ORMSBY, SENTER H.....	Brooklyn.
ORMSBY, WAT. L.....	Brooklyn.
REQUA, CHARLES H.....	New York.
SAMMIS, WHITEFIELD.....	New York.
SWEENEY, PATRICK J.....	New York.
VAN DEMARK, H. S.....	New York.

HONORARY MEMBERS.

BEALE, CHARLES C.....	Boston, Mass.
DEMMING, HENRY C.....	Harrisburg, Pa.
HEAD, ARTHUR.....	Towanda, Pa.

FIRST SESSION.

August 28, 1902. 10:30 A. M.

President ORMSBY, upon calling the convention to order, said:

Ladies and Gentlemen, Members of the New York State Stenographers' Association, and Visiting Members: In opening the twenty-seventh annual convention of the New York State Stenographers' Association it gives me great pleasure to introduce Hon. Adelbert P. Knapp, the president of the village of Saratoga, who will make the address of welcome.

President KNAPP welcomed the Association, as follows:

Mr. President, and Members of the New York State Stenographers' Association: I would like to ask as a special favor that all present will keep their pencils in their pockets, as I would not wish any of the rambling and disjointed remarks which the president of the village might make on this hurly-burly of an August morning in Saratoga committed to paper. I will say to you, Mr. President and members of the Association, that it gives me great pleasure, in behalf of the village, to welcome you to Saratoga, and to extend to you its freedom. I assure you that our people feel honored in entertaining the representatives of so important a profession. I trust that your stay here will be altogether enjoyable, your entertainment satisfactory, and that your convention will be of benefit to you as individuals and as an association, and we hope that you will be so favorably impressed with the beauties of Saratoga, and its advantages as a place of meeting, that you will hold your future conventions here. I thank you, Mr. President, for the privilege of welcoming the Association, and I say again you are very welcome. (Applause.)

The PRESIDENT: Mr. Knapp was compelled, through the press of business, to hurry away, but I think we would be pleased to listen to a short response on behalf of the State Association by Mr. REQUA.

Mr. REQUA: Mr. President, I am taken entirely by surprise, understanding that this pleasant duty would devolve upon some one better qualified to discharge it. I most cheerfully arise to acknowledge the welcome so cordially extended us by the president of the village of Saratoga, where, for the third time, I believe, we meet under such favorable auspices, and I desire to call attention to the fact that New York city, which heretofore has been in the

minority in these conventions, is from year to year being more largely represented, and this year is on deck as usual, and possibly in the majority. It is a pleasing fact that from year to year the pains taken in elaborating the work of the convention so simplifies it that we are able to do a great deal of work in a very little time. The extent of the labor attendant upon and necessarily connected with an affair of this kind rarely appears on its face, and I trust that all of the members present and all the visiting brothers will pause a moment and ponder over the work that has devolved upon those whose hearts are wrapped up in it, in framing the various papers that are to be read here. We are not only represented by those who are personally present, but constructively represented by those unable to be here, but who have given us the benefit of their experience, flowing from their ready minds, and enlivened by their keen wit, through the medium of their readier pens.

We meet in a charming place, and one made historic by one of the twelve decisive battles of the world, and we enjoy one of the few streaks of sunshine, I am happy to say, that has visited it for the past two or three weeks, to my personal knowledge, so that even the heavens seem to smile upon us on this occasion. I trust that our deliberations will be attended with practical results, and that we may be able to do credit to ourselves, and in our discussions and deliberations offer suggestions that may be of benefit to those of the craft who are not able to be here, as well as to those who are perhaps not members of the Association and may yet take the place of those who are, to reflect in the future greater light than those who have striven so faithfully in the past to do their duty and establish upon an enduring foundation a solid and substantial organization, effective, intelligent, efficient, and which stands for all that is good and noble in the work of each and every profession.

The PRESIDENT: We have with us one of the wise men of the east, who has just performed such herculean efforts in entertaining the National Association in Boston, and I am sure it will be no great labor for him to entertain us with a few remarks on behalf of good old Massachusetts. I call on Mr. Charles Currier Beale, of Boston.

Mr. CHARLES CURRIER BEALE: Mr. President and Members: It is indeed a pleasure for me to be present with you again, and I had looked forward to having that pleasure unalloyed by having to take part in any way in the proceedings. I told Mr. Ormsby before coming here that it would be a delight for me, after having taken an unobtrusive part in the convention of the National Association, to attend a convention where I would have nothing to do but to listen to the words of others and to participate in the

benefit and enjoyment resulting therefrom. But it seems this was not to be, because this morning, as we were walking up to the hall, he informed me I should be expected to make a few remarks. If he had not tempered the suggestion by adding that I was to respond in behalf of Massachusetts I should certainly have declined, but as you may know, that is a tender spot with me, and I felt that I could not resist the temptation to inflict a few words upon you.

I had the pleasure of meeting several of your members in Boston last week, and I hope that you enjoyed yourselves, as I know I shall here. In attending the conventions of this Association, as I have many times, I have received inspiration which has been of incalculable benefit to me in the association work in New England and also in my professional labors. I feel that I am indebted to your Association more than to any other similar body, because in meeting the eminent members of your Association, and your guests from different parts of the country, I have received so much of benefit, of inspiration and of enjoyment that I have gone back to New England feeling that we are indeed members of a profession of which we may well be proud.

As Mr. Head and I journeyed hither by a very round-about way, spending about two days in the journey, it was our good fortune to be able to see at Worcester and Hartford the very beginnings of shorthand in this country. We saw at the American Antiquarian Society shorthand reports of sermons and the shorthand used for purposes of memoranda, etc., by some of the founders of New England, dating back nearly three hundred years. At Hartford we saw the reports, probably the first practical shorthand reports ever made in this country, made by Mr. Henry Wolecott, of sermons preached in Hartford and vicinity in the years 1638, 1639 and 1640. It occurs to me that it might be interesting for us to pause for a moment and remember that this year is the three hundredth anniversary of the invention of alphabetic shorthand. In 1602, on the 19th day of April, one John Willis, entered in the Stationers' Co., in London, a little book called "The Art of Stenographie." That book is the basis of all the shorthand of to-day and that which has been published from that time to this. We have in New England a record of shorthand writing of which we may well be proud. The early shorthand writers were men of great ability. They were college presidents and leading men of the colonies, and men of affairs generally. In fact, shorthand in those days was a matter of common knowledge; it was an essential part of a cultured man's education, and it was almost impossible to find a man of college training who was not a shorthand writer. We may remember that fact with some little pride, and it is certainly

something of importance to know that the profession has been represented by men like President Jonathan Edwards, of Princeton; President Holyoke, the first president of Harvard College; President Wadsworth, of Harvard College; Roger Williams, John Hull, the first mintmaster and treasurer of Massachusetts; Rev. Thomas Sewall, the first minister of Cambridge, and many others of that stamp, and as we come down to to-day, and see how the profession is represented in New York state and other states by men of intelligence, ability and brains, surpassing in many instances in acquirements and intelligence the men whom they report, I think we have certainly nothing to be ashamed of. I wish to say in closing that the New York State Stenographers' Association has a long and glorious record which I am sure will be perpetuated in the future. Your members are, a large majority of them, jolly good fellows, and the rest are estimable and admirable ladies. I hope you will live long and prosper. (Applause.)

The PRESIDENT: We also have with us representatives of two other states, and I propose to call on each of them for a few words. I will call first on Mr. Head, of Pennsylvania.

Mr. ARTHUR HEAD: Mr. President, and Members: Being the only representative here at the present time from Pennsylvania, it gives me pleasure to express my appreciation of the kind words of welcome which we have had this morning. While I hail from the Keystone state, the land of mountains and petroleum and iron and coal, — and coal strikes, — yet I feel at home in the Empire state, because I was born and spent my youth and early manhood in it, and while I love my adopted state, yet when I come back to this state it always seems like coming home, and the kind of welcome which I have always received from this Association augments that feeling.

I have little to say on this occasion, but it gives me pleasure to be here, and to note the sentiment in favor of organization increasing among the stenographers of this country. It seems to me that the time has come when it is necessary for the stenographers of the whole country to organize. There are certain conditions which confront us to-day and which have been confronting us for some years which make it almost a necessity. It is unnecessary for me to here discuss these conditions, because every stenographer appreciates them, and they will probably be discussed in the course of the meeting. There is one particular thing I desire to speak of, and that is the relation of the stenographic profession to the general public, and the idea which is held by laymen generally in regard to stenographers and the relative position they hold to their profession. It seems to me we are

placed in some respects in an unfortunate and humiliating position because of the misunderstanding by the public of the true functions of a stenographer. If we are to maintain the standing of our profession, it is necessary that we should be organized and that we should strive to correct this erroneous impression. The New York State Stenographers' Association seems to be the pioneer in the matter of organization. This Association is a great object lesson for the stenographers of other states and the stenographers of the whole country, and I sincerely hope that the stenographers of Pennsylvania, and of every other state in the union, will turn their eyes toward your Association and learn a lesson from it, and try to perfect the organization of the profession in the different states, and do something to elevate the profession to the rank which it deserves among the learned professions and occupations of this country.

Again expressing my appreciation in behalf of the Pennsylvania stenographers' association for your kind words of welcome and for the cordial reception received here, I bid you success. (Applause.)

The PRESIDENT: This meeting would not be quite complete, I feel, without a few words from that energetic representative of New Jersey who has labored so long in its behalf and for its welfare and advancement, and in later years in the somewhat wider field of the National Association, and I therefore call on Mr. Kendrick C. Hill for a few words.

Mr. KENDRICK C. HILL: Mr. President, probably you think I am a "foreigner" because I come from New Jersey, but I still retain my active membership in this Association, and I am somewhat surprised at being called upon at this stage of the game, and yet gratified, because it certainly affords me pleasure to be here and to return the words of good cheer and greeting which you have given me.

Mr. Head said that he thought that the eyes of the reporters of the other states ought to be turned toward New York. It impresses me that the eyes of the reporters of the United States have been turned toward New York for the last quarter of a century, during all of which time the reporters of other states throughout the country have done nothing but applaud and praise the work of the New York State Stenographers' Association, but they have failed to imitate your example by organizing thoroughly and on as solid basis. A convention of your Association might be termed the annual mecca of shorthand writers. It is the most forcible and prominent organization of the kind that has ever been formed. There is a great galaxy of well-equipped stenographers, a great many of them masterful men, comprising the personnel of this organization. Take the reporters of the

Empire state as a class, and I think there is not such another body of men; their motto is "Excelsior," still higher, always inspiring, always climbing up, neither discouraged nor dismayed. The motto of this organization has been for a quarter of a century the motto of that revolutionary hero who said, when he affixed his name to the Declaration of Independence, "Let us all hang together lest we shall hang separately." That is a very good motto, and this Association is to be congratulated not only upon the commendable labor which it has performed, but for the good example it has set not alone for itself, but for the stenographers of other states, and I hope that the National Association and the other state associations will be inspired more and more by the example of this state in the future, and that their efforts may be crowned with good results. (Applause.)

The PRESIDENT: The next in order, I suppose, is the president's address, which it is now necessary to inflict upon you.

PRESIDENT'S ADDRESS.

LADIES AND GENTLEMEN: In welcoming you to the twenty-seventh annual meeting of this Association, I desire to impress upon you the good which it has done in the past for the stenographic profession, and the possibilities that lie in its future for both the official and the non-official law reporter.

Abram S. Hewitt said, in one of his addresses on the relation of capital and labor, in speaking of the benefits of combination to the laborer: "The power of isolated men to resist and overcome the force of custom is very slight. No radical, or even appreciable, change can be effected, except by a union among those who believe themselves aggrieved."

The wisdom of this thought has been amply proved by the efficient and practical work which we have performed on many occasions for the stenographic profession, and it would seem that no argument should be necessary in this age of combination to convince the shorthand profession that every law reporter in the state should be a member of this Association, where his influence may count in resisting the many assaults that are being made on the standing and earning capacity of the expert law reporter.

At one time or another, at least one-half of the law reporters in this state have been members of this Association, and yet, through apathy and neglect to pay dues, we to-day do not have a membership of more than one-third of the members of our profession. While this compares more than favorably with the organized membership of other professions, it is still not enough. I believe that the time is auspicious to make some concerted effort to get all into an association which can so well serve their interests, and that, if each of our members would do his best, we could have on

our roll a membership which would be a guaranty of success when the opportunity for aggressive work offers.

However, apart from the usefulness of an association in the strenuous life which we are all to-day living, it is my firm belief that if it accomplished no better end than to give us these pleasant meetings once a year, where we learn to know better and esteem the members of our profession, it would be more than worth all the labor that has been expended on it in the past or may be in the future.

Within the past fifteen years very radical changes have taken place in the employment of stenographers, and while on the whole the earnings of office stenographers have steadily increased, I believe I am correct in saying that, outside of official reporting, the earnings of law reporters have decreased and their expenses increased. Twenty-five years ago, \$10 to \$15 per week was a large salary for a stenographer in a law office, but as soon as the young stenographer became thoroughly proficient he could hang up his shingle and begin practice as a law stenographer. To-day it is not uncommon to meet in law offices stenographers not capable of extremely rapid work, but still very competent, who receive as high as \$40 per week. But the road to advancement in their profession is practically cut off, for no stenographer can to-day leave a law office with any hope of taking its business with him or establishing an independent office. The lawyer of to-day is more and more assuming the right to have the office stenographers do work of an expert character, and while it would be hard to find a lawyer who would maintain that it was proper for him to make a profit, for instance on printing, it is becoming quite common to have stenographic work performed by a clerk, paid on a salary basis, charged to clients, or taxed in a bill of costs, (very often under the sanctity of an oath,) at the folio rates established and maintained by law reporters for more than a generation. This is neither just nor fair to the stenographic profession or the client who ultimately pays the bill, and the result has been the gradual wiping out of the expert who maintains the separate and independent office so necessary to the production of unbiased reports, until to-day there are really less law reporters practicing the profession in this state outside of the courts than at any time within the last fifteen years.

However, there is "a silver lining to every cloud," and we may take some comfort for the bad condition of affairs at present in the reflection that the training ground for expert stenographers has been so narrowed by the present methods of doing shorthand work, including the use of the graphophone, dictation to fast typewriters, the gradual elimination of the stenographic amanuensis of the law reporter (the training ground par excellence of a good

reporter,) and the system now in vogue in the legal profession of distributing the reporting of testimony among many people of moderate ability instead of concentrating it among the few of marked ability, so necessary for the evolution of good law reporters, that the really expert stenographer, or even the moderately good one, is getting to be a rather rare bird, and the abuses we now complain of may in a short time correct themselves.

As president, I have been called on twice during the past year for an opinion on matters of interest to stenographers: first, by the comptroller of the city of New York, who questioned the fee of twenty-five cents per folio for non-official reporting by a member of this Association, but accepted it on receipt of a letter from me quoting the custom and decisions of the courts and enclosing a copy of the admirable code of practice of the New York City Association; and, second, by the corporation counsel of the same city, to whom, in response to an invitation to bid for city work under somewhat onerous conditions, I wrote protesting that if there were to be competition, there should be some standard fixed for measuring ability, and suggesting that a clause be added to the specifications limiting bidders, or those to be employed on city work, to stenographers who were officials or had at some time qualified in a civil service examination for an official position. This, unfortunately, elicited no reply, but I am in hopes that the seed may bear fruit in the future.

At our Brooklyn convention, the officers of this Association were authorized to take such steps as would result in affiliation with the National Association of stenographers. On investigating the subject, however, they encountered a clause in our constitution which apparently made such action illegal, and therefore deferred taking active steps until the Buffalo convention, where, unfortunately, through the effort to finish the work of the convention in one day, the subject was overlooked. It had been my intention to have the matter thoroughly discussed at this convention, and to see if we could not find a way out of the dilemma, but the action of the National Association at Boston last week solved the difficulty, they having voted to abolish the affiliated plan. The dues in the National Association have been fixed at \$3 a year, and I earnestly recommend not only our own but all members of the stenographic profession in this state to join that association, which is trying to do many things for the advancement of this profession, such as obtaining official reporters in federal courts, and other work beyond the province of a state association.

In conclusion, allow me to hope that, as for twenty-seven years we have kept afloat and sailed so good a course with our stenographic craft, we may fill the sails with such a favoring breeze of inspiration derived from this and succeeding conventions, that

the good ship will sail on and on over prosperous stenographic seas until at last we reach that stenographic elysium where we shall have all the work we want at remunerative prices, and where, as Col. Demming relates in one particular instance, each lawyer in summing up his case will say, "May it please the court, Mr. stenographer, Mr. foreman, and gentlemen of the jury."

The PRESIDENT: The next in order is the report of the secretary-treasurer, which Mr. Murray will present.

The secretary-treasurer presented his annual report, as follows:

SECRETARY-TREASURER'S REPORT.

To the Officers and Members of the Association:

I herewith submit my annual report, as follows:

RECEIPTS.

Balance on hand, as per last report.....	\$313 66
Dues from 100 active members for 1901-1902....	300 00
Dues from 10 active members for 1900-1901, since last report.....	50 00
On dues from 1 active member for 1901-1902....	2 00
Dues from 15 active members for 1899-1900, since last report.....	45 00
Donation, A. L. Woodward, Utica.....	3 00
Other income	1 00
	<hr/> \$714 66

DISBURSEMENTS.

Printing proceedings of 1901, 1,000 copies.....	\$186 00
Reporting proceedings of 1901 (authorized by resolution)	50 00
1,500 letterheads for officers.....	7 50
1,000 printed envelopes for secretary.....	6 25
500 printed clasp envelopes.....	6 50
Postage on proceedings and correspondence....	32 00
Badges for convention of 1902.....	10 00
Expressage, telegrams, circular letters, receipt books, and stationery.....	15 91
	<hr/> 314 16

Total receipts	\$714 66
Total disbursements	314 16

Balance on hand.....	\$400 50
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Number of active members enrolled.....	129
Number who have paid dues for 1901-1902.....	101

Number who have not paid dues for 1901-1902.....	30
Number who have paid dues for 1900-1901, since last report	10
Number who have paid dues for 1899-1900, since last report	15
Number dropped for non-payment of dues.....	20
Number deceased since last convention.....	3
Number resigned since last convention.....	1
Number new members since last convention.....	8
	=====

Pursuant to a resolution adopted at the last convention relative to delinquent members, twenty have been cancelled from our roll for non-payment of dues. That number includes only those who were at least two years in arrears, and each of whom received not less than eight communications from your secretary's office notifying them of their delinquency.

For the past three years the publication committee has had 1,000 copies of our proceedings for each of those years printed, and as a result we have on hand at the present time several hundred copies of each issue. I, therefore, would suggest that the committee be instructed this year to reduce the number to six or seven hundred, as I think that number ample for all purposes.

Dated August 28th, 1902.

SUPPLEMENTARY REPORT.

Balance on hand, as per above.....	\$400 50
Expenses of entertainment at Saratoga Lake.....	117 50

Balance on hand.....	\$283 00
	=====

Respectfully submitted.

GEORGE A. MURRAY, *Sec'y-Treas.*

Dated August 29th, 1902.

Mr. BISHOP moved that the report be received and placed on file.

Mr. McLOUGHLIN: I would like to know if we have any means of getting at the names of those that were dropped.

(The secretary read the names of those members dropped from the roll since the last report.)

Mr. McLOUGHLIN: I think the secretary-treasurer deserves a vote of thanks from this Association for his exercise of good judgment in dropping the names that have been read. I know from my own experience, and perhaps I was instrumental in get-

ting many of those members into the Association, that the secretary was very wise in his action. Some men do not appreciate the benefits of an organization of this sort, and I think that the Association is far better off by adopting just this method in dropping those who, after repeated communications, fail to respond, and in that way we narrow the Association down to the very best element in our business in the state.

Mr. BISHOP: It strikes me that a word should be said in reference to securing some of the back dues which he has succeeded in collecting. I know for years an effort has been made to get dues that had lapsed for two or three years, and I think we have never had a result quite equal in success to the present one of the secretary-treasurer in collecting so many, you might almost say, lapsed dues, dues two or three years old. I listened very carefully to that statement as it was read, and with a great deal of satisfaction, and I think we have an admirable secretary-treasurer.

The PRESIDENT: I am sure that all of us, and especially those who are actively engaged in the work of this Association, appreciate what a labor of love it is for the secretary of the Association to do the hard work that falls to him, and I know that we all more than appreciate the energetic and active work that Mr. Murray has performed. If there are no other remarks, I will put the motion of Mr. Bishop that the report of the secretary-treasurer be received and placed on file for future reference. (Carried.)

Mr. McLOUGHLIN: In conjunction with the secretary's report I would like to make a motion. For the first time, at least since I have been a member of this Association, we have on hand a substantial balance, and while the nestor of the profession, (who attempts, at least, to boss the entire job,) Mr. Rodgers, is absent in Nova Scotia, and we have more or less of a free leg, I move that the secretary-treasurer be authorized to draw on our balance in the bank to provide such entertainment as we may determine upon for this evening or to-morrow evening.

Mr. SAMMIS: I most heartily second the motion, Mr. President, and would like to add that the entertainment be a fish dinner at "Bill Riley's."

Mr. BISHOP: I would like to know if the president, on a study of the constitution, can find any provision in it by which an entertainment of that sort comes within the scope whereby this money can be properly expended.

The PRESIDENT: I must confess my ignorance of what the constitution says on the subject, and I throw myself on the mercy of the convention.

Mr. SAMMIS: I think a more pertinent question is, can you find anything in the constitution which says we cannot spend the money that way?

Mr. REQUA: It is perfectly obvious, Mr. President, no matter what the constitution may say on the subject, it is no higher than the body that created it, and as there does not seem to be any strenuous opposition, I move the previous question.

The PRESIDENT: As the previous question seems to be that we would rather discuss the banquet than the subject, I will put the motion as it was originally made. (Carried.)

Mr. McLOUGHLIN moved that a committee of two be appointed to carry out the resolution. Carried.

The president appointed as such committee Messrs. McLoughlin and Murray.

The PRESIDENT: No convention of this Association would be complete without a report from our librarian, who is the only lady who has had the courage to brave the sporting life of Saratoga to be with us, and I call on Miss Ballantyne for the annual report of the librarian.

The librarian presented her annual report, as follows:

REPORT OF THE LIBRARIAN.

*"Upon the tide of time's eternal sea,
Another year is wafted to our shore."*

For the third time in the history of this Association it convenes its annual meeting beside the healing waters of Saratoga. Here in this beautiful village, where nature and art seem to vie with each other to please the eye and ear of the pleasure seeker, and to satisfy the restful longings of the weary traveler, our own Association has its treasured retrospect.

The librarian reports as additions to the library twenty-five copies of our proceedings for 1901, by the publishing committee; the Vicar of Wakefield in Isaac Pitman Shorthand, published in 1891, donated by the president of the Scottish Women's Club, of Rochester, N. Y. Several lists of shorthand books from Burrows Brothers, Cleveland, O., have been received. These publishers evidently think the Association is purchasing additions to the library instead of receiving donations thereto.

Mr. Arthur Head, of Towanda, Pa., is desirous of securing the proceedings of 1878, 1879, 1882 and 1883. For the information of those who wish to purchase back numbers of our proceedings, those of 1876, 1877 and 1878 are bound in one volume. The librarian cannot furnish the proceedings prior to 1886, or those of 1888.

FINANCIAL STATEMENT.

From sales	\$1 00	
Balance in the hands of the librarian from 1901....	6 00	
		<hr/>
Total	\$7 00	
Expenditures, postage	20	\$.20
		<hr/>

Balance in hands of librarian August 27, 1902.. \$6 80

No books have been loaned from the library since last meeting.

The librarian is preparing an index of the books and other papers belonging to the library, which she hopes to complete early in the autumn.

Faithfully submitted,

M. JEANETTE BALLANTYNE,

Librarian.

ROCHESTER, N. Y., August 27, 1902.

Mr. BISHOP moved the acceptance of the report of the librarian and that it be ordered placed on file. Carried.

The PRESIDENT: The next in order is the report of committees, and under that head I think would properly fall a paper which has been prepared by Mr. Wat. L. Ormsby on Civil Service Examinations, as the report of the committee on civil service.

Mr. WAT. L. ORMSBY read the same, as follows:

STATE CIVIL SERVICE EXAMINATIONS.

BY WAT. L. ORMSBY, OF BROOKLYN.

AS chairman of the committee on civil service examinations for court stenographers, I communicated with Chief Examiner Charles S. Fowler, last fall, and had a personal interview with him when he was in New York.

Perhaps owing to my representation to Mr. Fowler that a 200-word-per-minute test was necessary in determining the fitness of candidates for court stenographers' positions, he was influenced to make that one of the tests. My purpose in urging this test was, if possible, to reduce the number of candidates. I know of one man, who entered several tests where the limit was 175 words per minute, retiring each time without completing the examination. He did not appear this year. I am certain there were others who failed to present themselves for the same reason. Even as it was, there were too many candidates to be examined with perfect fairness. If those could be excluded who have no examination would be greatly diminished.

I was present at the examination held in the New York Life building on April 19th and 20th. At my request, the chief

examiner invited Mr. Kelly to be present at the examination held in Albany, and Mr. Earle at the examination held in Syracuse, as I thought it advisable to have an unprejudiced official present at the tests. Unfortunately, I understand neither Mr. Earle nor Mr. Kelly was able to be present.

I respectfully suggested that the test at 175 words per minute should be on a judge's charge, and that the charge should be of a judge who was known to be a rapid speaker; that the 200 words per minute should be from a cross-examination, and that if any proper names occurred the contestants should have the names spelled for them before beginning the dictation; also, that in the examination with different voices the readers should not look toward each other, but toward the contestants. After witnessing the examinations I emphasize these suggestions.

Fifteen of the twenty points in the examination were calculated to make known the stenographic skill of the contestants. Only five points were allowed for answers to questions intended to show general intelligence and familiarity with the work of law reporting.

In my opinion the test compares very favorably with the examination conducted under the auspices of the law stenographers of Boston. That test was better calculated to show literary acquirements than the more necessary literal stenographic skill. The extreme speed test of 150 words per minute there is utterly inadequate for the requirements of court reporting in this state.

At the examination of April 19th, Mr. Fowler himself dictated the 175-word test, the 200-word test and the technical test. According to my timing the 175-word test was at the rate of 165 words per minute, the 200-word test at the rate of 187 words, and the technical test at the rate of 131 words. I noted a few inaccuracies in the reading of each test. Mr. Fowler had another examiner also follow his reading and check errors, so that the errors would not be charged against the contestant.

The examination in different voices was one which I had endeavored to have the chief examiner omit, as I believed that it was the most difficult to make equally fair for all the contestants, and I am still of the same opinion. Mr. Fowler read the remarks of the court, and three examiners represented plaintiff's counsel, defendant's counsel and witness. Mr. Fowler's reading was good, plaintiff's counsel and defendant's counsel was indistinct and decidedly bad, and the witness's fair. This was read back by the contestants, and I was present at the reading. I observed that the best reading was done by those nearest the readers. Some of those farthest back failed lamentably. For this test there were two readings, the contestants being divided into two groups. I did not sympathize much with the failure of two contestants who were offered better seats and refused to

change, saying they were satisfied with their positions. I observed with interest that the best of the contestants seemed to realize the advantage of position, and pushed ahead and got the best seats. Literal accuracy in the reading of the contestants I observed to be extremely rare, both on April 19th and a week later.

On April 26th Mr. Fowler read 167 words per minute for three minutes on the 175-word test, 190 words per minute for three minutes on the 200-word test. I did not take the time of the technical test, but it was not rapid, and did not vary substantially from the previous week. The examination was similar and as nearly equal, it seemed to me, as it was possible to make it.

The test in different voices or moot-court I reported myself from a worse position than any contestant in the room, and understood all but one short question of three words. Perhaps owing to my criticism about this dictation the previous week it was better read, a lady reading the answers of the witness, Mr. Fowler and another examiner representing plaintiff's and defendant's counsel, and still another examiner the court. The chief examiner failed on this day to indicate the gentleman who was to represent the court, and when he broke in the contestants were surprised and some were manifestly rattled owing to Mr. Fowler's omission. It was interesting to note that although this reading was better on the 26th, there were more contestants who read well the previous week, as there were evidently a greater number of experienced stenographers examined on that day.

The whole examination, in my opinion, was fair, and quite well calculated to show a man's capacity. Some of the matter which was read, particularly on April 19th, was not clear, owing to the subject-matter and to the fact that where breaks occurred dashes were not read to indicate the breaks. On this account I think the matter dictated should be edited so as to read connectedly, and I noticed that on the copy I held some attempts to so edit the matter were observable.

I suggested to Mr. Fowler that in order to get an accurate result one man should read, another should keep time and signal every ten or fifteen seconds whether the reader was ahead or behind the rate at which he should read, and that another man should check the reading for mistakes so that they should not be charged against the contestants if made by the reader. I thought the mistakes he did make were attributable to his attempt to keep the time while reading. He said he had tried such a plan with unsatisfactory results. It may be of interest to note that in the New York city stenographers' association, where the reading is done by stenographers in the examinations for admission to membership, this plan has proved a success.

I further suggested that the slowest dictation should be given first and the fastest last. On each examination the 175-word test was given first. In my opinion the men would have done better if they had had an opportunity to adjust themselves first to the conditions by a slower test. While the reading in different voices was better the second day, and the subject-matter of the tests was not so obscure, I can see no reason why, if the contestants were compelled to leave their notes with the chief examiner, exactly the same matter should not be used, with the same readers.

I desire to thank Mr. Fowler for the courtesy shown me by affording me facilities for checking up the dictation, and for his apparent willingness to consider suggestions for the examination, even though he did not always adopt them.

I think a committee of one should be appointed every other year, when the examinations are held, to confer with the chief examiner as a representative of the Association, and to be present at the examinations or appoint representatives, as I assumed the right to do this year. An accurate rating of the candidates is made difficult by the number who present themselves for examination. The great majority cannot hope to get anywhere near the top of the list, where there is a chance of securing an appointment. If there were some way of weeding out the poor ones by a preliminary examination, more accurate and satisfactory results could be achieved in the competition. Too much of the time of the examiners is wasted in examining alleged stenographers.

Under the present civil service examinations, while the best man may not always be absolutely at the head of the list, I feel certain he will not be far from it. No incompetent can hope to be anywhere near the top. Our interest is to improve, not oppose, civil service examinations, in my opinion, as the tendency is to uniformly elevate the standard of the profession.

The PRESIDENT: There is one other report, the report of the executive committee, (the mid-year meeting,) which Mr. Murray will now read.

The secretary read the report of the executive committee, as follows:

At a meeting of the executive committee of the New York State Stenographers' Association, held at the offices of Sidney C. Ormsby, 150 Nassau street, New York city, it was

Resolved, That the matter of affiliation with the National Association be not decided at this time by the committee, but that the same go over until the convention at Saratoga Springs in August next for disposition.

Resolved, That the amount of assessment for the present year be fixed at \$3.00 per member.

Resolved, That the following named persons, proposed by President Ormsby, be elected active members of our Association without submitting to the test as provided in section 4 of article 5 of the constitution: Messrs. C. J. O'Callaghan, T. L. Weatherly, Roland W. Philips, Charles F. Tinkham, William M. Browne, Harry S. Van Demark and Richard F. July, all of New York city.

On motion the same was received and ordered placed on file.

The PRESIDENT: I do not know whether this is the proper place, but it seems to me it is. There are some committees that will have to take almost immediate action in this convention, and I propose to appoint them now. As the committee on the admission of new members, I will appoint Messrs. H. S. Van Demark, Senter H. Ormsby and George A. Murray. Committee on place of meeting: Mr. George R. Bishop, Miss M. Jeanette Ballantyne and Mr. Louis Loewenstein. Committee on nomination of officers: Messrs. Peter P. McLoughlin, Whitefield Sammis and Charles H. Requa.

The next in order is the election of new members, but we will have to have a report of the committee first. I have the name of Mr. Patrick J. Sweeney to propose for membership. Are there any other nominations for membership?

Mr. McLoughlin proposed the name of Mr. James E. Keese, of New York city.

Mr. Beach proposed the name of L. A. Carroll, of Binghamton.

The PRESIDENT: If there is no objection I will refer these proposals to the committee on new members, and will defer further action until we have their report.

I believe that we have substantially completed all the preliminary business and are now at liberty to proceed with some of the papers. The first paper is a paper prepared by Mr. W. L. Mason, which I have asked Mr. Sammis to read.

Mr. Beale: If I may be allowed, I would like to make one statement in regard to Mr. Ormsby's paper before that is passed, because I should not want it to appear in the record as he stated it without setting it right. It is true that the first examination held under the auspices of the court reporters in Boston was at the rate of 150 words a minute, but the later examinations have been at the rate of 175 words a minute.

The PRESIDENT: I probably ran along a little hurriedly. There might be some discussion on the paper on civil service examinations, which was partly in the nature of a report. Is there any other member who desires to make any comment on it?

Mr. McLoughlin: I think it might be in order to make a committee consisting of one. I have observed by listening for nine tedious minutes by the watch to the "five-minute gentle-

man," who limits everybody else except himself, that he was reaching out for another appointment to superintend the civil service examinations, not only for this year, but every second year I think he wanted it for, and I would move that the president appoint a committee of one to see that justice is done to the competing stenographers; and in this connection it may not be out of place for me to state that the New York State Stenographers' Association takes great pride in the fact that in this examination, that was as severe as Mr. Wat. L. Ormsby has pictured it, the president of our Association came out No. 1.

Mr. WAT. L. ORMSBY: And Mr. Van Demark, from the same office, No. 2.

Mr. McLoughlin: Well, they couldn't both be No. 1, and that is the reason that one had to be second, and the fact that you were present ensured the success of No. 1. I move that Mr. Wat. L. Ormsby be continued in the same position, as censor of civil service examinations, for the coming year.

Mr. BISHOP: Mr. President, I second that motion, and in so doing I would like to express the great satisfaction I had in listening to the report. I had some doubt a year ago how far the committee would go into that matter. The committee has certainly done more than was contemplated, I am sure, by any one present, and I think the genius of the man that composed the committee has made the report more illustrious than it otherwise would have been.

Mr. WAT. L. ORMSBY: I should feel very much flattered if you should pass that resolution, but the committee really is of no value this year as there is no examination to be held this year.

The PRESIDENT: It would be purely an honorary appointment, because there will be no civil service examination held for two years. The last three examinations have been held two years apart. They prepare an eligible list which is good for two years.

Mr. McLoughlin: I understand there is to be an examination next Saturday.

The PRESIDENT: Not for court stenographers. This eligible list they have prepared is good for two years. There will not be another examination until two years from January or April.

Mr. McLoughlin: I think the gentleman is entitled to the honor even though there is no work attached to it.

The PRESIDENT: As Mr. McLoughlin seems to have usurped the functions of the nestor of the profession in running the conven-

tion, and also the function of the president in appointing committees, if it is the pleasure of the convention I will put the motion. (Carried.)

Mr. SAMMIS read the paper prepared by W. L. Mason, as follows:

THE SHORTHAND SCHOOL.

BY W. L. MASON, OF NEW YORK.

IS the suggestion of Mr. Hutchings, of St. Louis, in a paper read by him at the last meeting of the National Shorthand Reporters' Association, entirely impracticable? He asked if it be not possible for the National Association, "through its individual members and by every legitimate means that the ingenuity and cunning of man could devise," to "gain a power of censorship over the schools," similar to that exercised in the business world by the great commercial agencies.

A few years since, the regents of the university of the state of New York made an effort to raise the standard of business schools by striking out the word "college" from the name of every such school not possessed of a certain equipment in the way of faculty, etc. Yet the evil still exists. Even "the good schools" and "the honest teachers" are forced to compete with the disreputable ones, and cannot therefore reach so high a standard as they would gladly maintain. The schools that advertise "a complete course of lessons in shorthand for \$7.50" should surely be included within the category of those institutions which offer "something for nothing," and foster the belief that in an absurdly short time young men and women can become "possessed of means of earning a large salary at a delightful and genteel occupation." How can the honest proprietor of a shorthand school, who insists "that he is an exceptional person who acquires the ability to do good amanuensis work within six months," hope to secure the patronage of a public in whose eyes the other kind of school, which offers only tawdry, and cheap, and inadequate teaching at a ridiculously low price, is not disreputable, simply because of "the very ignorance of the great public as to the possibilities and limitations of shorthand" which "makes deception easy?" Surely if Mr. Hutchings' suggestion could be carried out a great step forward would be made toward establishing the professional stenographer's place in the professional world, and abating many of the evils now confronting him.

If a personal allusion may be pardoned, it is doubtless known to the members of this Association that the writer of this paper has, from the beginning of his career as a teacher, stood not only for thorough and careful work in the matter of shorthand instruction, but has also insisted upon certain educational qualifi-

cations as a *sine qua non* to the beginning of the study of shorthand,—another point emphasized by Mr. Hutchings. A “Circular of information on shorthand instruction and practice,” issued by the bureau of education at Washington, in 1893, contained the following paragraph:

“The marked success which has attended the efforts of Mr. W. L. Mason, the teacher of the female stenographic class of the general society of mechanics and tradesmen, is no doubt largely due to the carefully prepared preliminary examinations which have weeded out those unfitted to practice the art. ‘Great stress,’ Mr. Mason states, ‘is laid on educational qualifications for the study of shorthand and typewriting in our class, and each applicant is required to pass a moderately difficult examination in the simple English branches, such as spelling, grammar, punctuation, and composition.’” And then follows a complete set of entrance examination papers such as was used by me for several years.

Is it utterly beyond the bounds of practicability, or entirely outside of its province, for the New York State Stenographers’ Association to endeavor to secure some legislation which would require every shorthand-school in this state,

1. To lengthen its course of study to six months;
2. To employ only licensed or certificated teachers;
3. To demand a public school diploma, or its equivalent, from every intending student?

If such action were taken, and due publicity given thereto in the public press, it seems to me a long step forward would have been made toward the enlightenment of the public upon the subject of the importance of thorough preparation for the duties of a shorthand amanuensis. It is only too true that, while there are many good schools, there are “none good enough, because the public will not have them so.”

I respectfully submit, then, for the consideration of this body, the foregoing proposition, and ask that some action be taken toward the carrying out thereof, by means of the appointment of a committee to look into the subject, and report at the next meeting of the Association.

The PRESIDENT: Is there any discussion on this paper? If not, we will pass on to the next paper.

Mr. BISHOP: I move that the paper be received, with the understanding that if any member desires to hereafter discuss any part of it such opportunity may be granted.

The PRESIDENT: I do not think there will be any objection if any one desires to go back in our proceedings and refer to any paper which has been read. We will be glad to hear from any such.

The next paper is by T. L. Weatherly, on "The Golden Rule," which I have asked Mr. Van Demark to read, as Mr. Weatherly is not present.

Mr. VAN DEMARK read the same, as follows:

THE GOLDEN RULE.

BY THADDEUS L. WEATHERLY, OF NEW YORK.

BEING a new member of the Association, I consent with some reluctance to Mr. S. C. Ormsby's request to write briefly on some subject that might interest law reporters. However, I hope it will not be taken amiss if I call attention to the too common practice of backbiting prevailing with us. Especially where two or more reporters gather together over the flowing bowl for social comfort do they tell great tales of how they extracted the breath from court and counsel by exhibitions of expertness, making this and that stenographer look like "three lead dimes," and how people got the impression that so and so was such a "crack-erjack," is really beyond comprehension, and so on *ad infinitum*. What "Tommyrot!"

The man who indulges in this phase of backbiting, of course, does more injury to himself individually than to others, yet it spreads and, in some degree, poisons all interested.

Business people, in any class, succeed by upholding each other, standing shoulder to shoulder, and not by adverse criticisms. When we can say nothing advantageous or pleasant about a brother reporter, let us hold our peace. We all have our good days and our bad days; a class of work that we like and a class of work that we dislike, and none of us is infallible. So cease backbiting and apply the Golden Rule, thereby injecting more decency and dignity into the business.

Sit hard upon the knocker!

The PRESIDENT: Is there anything to be said on this paper?

Mr. REQUA: It speaks for itself.

The PRESIDENT: If there is no discussion we will pass to the next, which is a paper by Miss Ballantyne.

Miss BALLANTYNE read the same, as follows:

MYSTICISM OF SHORTHAND.

BY M. JEANETTE BALLANTYNE, OF ROCHESTER.

WEBSTER defines mysticism as "obscurity of doctrine." Can we not apply said definition to shorthand writing? In the whole category of arts and sciences not one appears so little appreciated, both by intelligent and unintelligent men and

women, as shorthand in regard to the time required to gain a sufficient knowledge of the art for practical purposes. The experiences of many teachers of this mysticism have been identically the same. The parents of applicants who desire to engage in the study of shorthand give the teacher an incredulous stare when informed that it will undoubtedly require six months or a year to perfect the student in the art sufficiently to even hold an amanuensis' position, and from two to three years to satisfactorily fill a court position. In response to the time required, as given above, a physician once said to a teacher of shorthand: "Why, my friend could perfect herself in the knowledge of medicine and receive her diploma in that time." During the past summer another physician, who is one of the assistants in the Rochester state hospital, sent the daughter of a contractor, who expected to be in the city about six weeks, and wanted to do something to while away the time, to a teacher of shorthand for instruction, and was chagrined to learn that the young lady could only get fairly started in the study in that time. Perhaps the word *shorthand* may possibly convey the idea of brevity in all its connections.

A prominent lawyer once said to a reporter, who had been taking testimony at a rapid rate for two hours, when the court adjourned for lunch, "Cannot you bring me a copy of the testimony which you have taken in court this morning when the court convenes this afternoon?" He seemed to have forgotten how much more time it would require to put said testimony into type-writing than it did to take it in shorthand, and also forgot the parasitic tendencies of the stenographer.

We think, however, that we can lay much of the mysticism of shorthand at the door of unprincipled instructors of the art, and to their misleading advertisements, such as "Shorthand taught in twelve easy lessons;" "A student can be prepared for a lucrative position in four weeks and can wear diamonds." As the chief inducement one system of shorthand advertises, "No special age or education is needed to gain a knowledge of this pleasing and useful art by *our* method. It can be learned by a child of seven, or a man or woman of sixty years. The ability to read is all that is necessary for its acquirement." A graduate of one of these schools was sent to a clergyman who wished to dictate his sermon to a shorthand writer. She seemed to take the dictation without any hesitancy, and the clergyman flattered himself that he had secured a real helper. After waiting more than a day the manuscript was delivered to him by a messenger boy, with a message from the young lady that she was made sick by her arduous labors of taking the dictation. The clergyman, too, was made sick at heart when he attempted to correct the manuscript,

so that perchance he might be able to use it. His efforts were unavailing, and he was finally compelled to consign the entire copy to the waste basket. Allow me to quote the rendering of one passage of scripture. The clergyman dictated, "Pray for the peace of Jerusalem! They shall prosper that love thee!" It was translated, "Pray for the boys of Jerusalem! They shall prosper that love thee!"

We hear upon all sides that our profession is overcrowded, but still in the face of all these reports, never during the many years that I have practiced the profession has there been such a demand for stenographers. For the past three years I have been unable to supply the demand, and within the past ten days have been obliged to say nay to seven gentlemen who sought my office to secure stenographers.

"The fields are white with the harvest," but skilled laborers are few.

The PRESIDENT: Mr. Robert R. Law will favor us with a paper at this time.

ANNOYING RESEMBLANCES.

BY ROBERT R. LAW, OF CAMBRIDGE.

THE necessity of using distinctive outlines to represent words similar in sound, but differing in meaning, is recognized by all writers of shorthand. Consonantal skeletons, and word and phrase signs, must make up the greater part of our equipment, and we must rely upon context to help us out of many a tight corner; but I am sure there are frequently times in the experience of us all when nothing short of an exact and definite outline will save us from confusion. I will briefly note a few of my own experiences with annoying resemblances between words, hoping that other members of the Association may recall and give us experiences of their own of a similar but more entertaining character.

Annoying resemblances in proper names have not been uncommon in my experience, as the case of Smith vs. Smyth, or Boker vs. Baker. The most troublesome one, however, was that of Van Gilder vs. Van Guilder. It was absolutely necessary that these names be not confused, because, as one of the witnesses said, "they were a different breed of cats;" but to keep them untangled I am sure made two grey hairs grow where one had grown before.

You may know, though I did not till it became my duty to report the case of Bush vs. Witherbee, that an important part of a blast furnace is called the "bosh." The defendant Witherbee owned a furnace which he desired to dismantle, and the plaintiff was a laborer engaged in the work. Bush was engaged in taking down the bosh, when it collapsed and fell upon him, and he sued

Witherbee for the resulting injuries. It appeared from the evidence that at first Bush was on the bosh, and then the bosh was on Bush — in fact, that Bush and the bosh were badly mixed up. To keep my notes from being in the same condition made life strenuous that day.

Somewhat less troublesome, though it developed some curious resemblances between words, was the action brought by attorney Burke against the town of Burke, which action was defended by attorney Pyrke.

But the most serious difficulty I experienced was in the case of the *People vs. Dewyea*, tried at the Franklin circuit. The defendant was indicted for murder. It was shown by the autopsy of the person supposed to have been murdered that there had been separation of the perineum and suppuration of the peritoneum, but the doctors seriously disagreed as to the cause of these conditions. The people's experts contended that the separation of the perineum was due to external violence, and that the inflammation and subsequent suppuration of the peritoneum was a result thereof. In other words, that the cause was traumatic. The defendant's experts as stoutly maintained that the inflammation of the peritoneum, and accompanying suppuration, was idiopathic and not traumatic: that the suppuration of the peritoneum had extended to the perineum, resulting in complete separation of the tissues of the perineum. In other words, the people contended that separation of the tissues of the perineum, due to external violence, had resulted in suppuration of the peritoneum and death. The defendant insisted that suppuration of the peritoneum, due to scrofula or other idiopathic causes, had produced the separation of the perineum which was discovered after death. To add to my woes, the defendant's attorney was one of the well-known kind who continually mix up words, saying plaintiff when meaning defendant, etc., and he kept me guessing from beginning to end whether he meant separation or suppuration, perineum or peritoneum. Thank goodness, the case was not appealed, and my notes remain uncopied.

Mr. BISHOP: There is another sort of confusion that Mr. Devine described to me two or three years ago. You were not old enough to remember Mr. Henry Hayes, who was connected with the *Herald*, and before Mr. Devine went to report in the house he was the representative of the associated press in the senate at Washington, and occasionally he and Mr. Hayes would take something outside. One time they were taking an examination before one of the committees, and Henry used the old shorthand, in which it was customary to use the initial for a man's name, and in this case there was considerable confusion. Devine said that after the examination Hayes came to him and in a sickening

voice said, "How in —— can I get these out? There are three fellows whose names begin with a C and I have C for every one of them."

Mr. McLOUGHLIN: I think we could with some degree of benefit to ourselves hear a slight discussion of Miss Ballantyne's very excellent and humorous paper. I understand Mr. Sweeney has been proposed for membership, and I think he could offer some suggestion in line with her paper about the demand for stenographers and stenographic teaching.

The PRESIDENT: I called for a discussion of both papers, and I hope we will not let the opportunity pass of discussing these papers as they are read. It seems to me they are all worthy of rather extended discussion. We would be glad to hear from Mr. Sweeney.

Mr. PATRICK J. SWEENEY: Mr. President, in relation to the demand for stenographers to-day, we all know that the purely mechanical writing of shorthand amounts to nothing. Familiarity with the matter is essential. Legibility is absolutely necessary. The stenographer must have what the Irishman calls wit; he must have gumption and common sense. Mr. Clarence E. Walker tells of a deposition taken in New York. In it occurred the names Keene and Kuhn. Thoughtlessly the stenographer used a similar outline, and his transcript was terribly mixed; about one-half the time he had Keene for Kuhn and Kuhn for Keene.

In addition to these very important points, there must be a working knowledge of spelling, punctuation, and capitalization. I find there are very few stenographers who are well posted on United States geography, and very rare is the amanuensis who knows the geography of the world — how to spell the names of cities and towns, how to properly address a letter, and what are the rates of postage. Too often the mistake is made of mailing foreign letters under the domestic rate.

There should be something in the way of a preliminary examination. Those who have had the advantage of a thorough common school education are well fitted to take up the study of shorthand and typewriting necessary for training as an amanuensis. With this as a basis they should add information upon every conceivable subject. After having creditably filled the position of amanuensis, it is a matter of study and work for years and years before they will be able to do court, legislative, convention or any other kind of *verbatim* reporting.

The PRESIDENT: Are there any further remarks? We have had prepared by Mr. Timothy Bigelow, one of the official stenographers of the second district, a paper on "The Ideal Court," which I have asked Mr. Wat. L. Ormsby to read.

Mr. ORMSBY read the same, as follows:

THE IDEAL COURT.

BY T. BIGELOW, OF BROOKLYN.

THE indulgence in imaginings of the possible and of the seemingly impossible, of apparently fantastic conceptions as to matters scientific, political, social and religious, is by no means a merely idle pastime. Mere dreams are better than mental stagnation. Even in works entered upon in a spirit of wild extravagance, suggestions have occurred which, though seeming unlikely and grotesque and absurd in the state of knowledge prevailing at the time of their birth, have nevertheless, like aerial plants, attached their seeds to men's fancies, and sent roots into their minds and grown and developed, finally bearing fruit unexpected and most strange. The seeds of the future are as often sown by those who would spurn the name of prophet as by those who assume it and try with their heads to butt a hole in the sky, that is to say, who try to tell what is beyond the scope of present vision. Dean Swift's statement of the discovery of the two moons of the planet Mars by the inhabitants of the flying island of Laputa, comes exceedingly close to the truth as recently ascertained, and others of the supposed discoveries of these same talented folk are in order for verification. Particularly may we hope in this era of the coal strike (for it looks like an era) that the process for extracting sunbeams from cucumbers may be perfected and cheapened in time for use during the approaching winter. In this era of flying machines (for it looks like an era) something like the flying island itself may materialize. Some of the forecasts in Bulwer's "Coming Race" are, I honestly think, about to be realized — particularly that one in which society takes cognizance of the evil tendencies of the individual for the purpose of checking or suppressing the embryo criminal instead of waiting for his deviltry to break forth into acts and then meting out punishment after the harm is done. Some of the recent proposed legislation against the inconsequents who, while living within the protection of society, attempt to destroy social organization, certainly looks in that direction.

I do not remember in any of the ideal communities imagined by writers that there were courts of justice, or details given as to its administration. Perhaps in an ideal community a court would be a superfluity. But living as we do, under social conditions which make it desirable that the evil-minded shall be kept in awe and wrongs righted, we may still perhaps have scope for fancy as to the organization and equipment and operation of such agencies in general, without being deemed in contempt of the institution as it exists. I hope so, at least. The very existence of

law stenographers implies that the imperfections inherent in human methods do not find the gates even of the Temple of Justice barred against them. Were trial judges infallible there would be no reason for appeals, hence no need of records, no need of exceptions and no use for stenographers! It is sad indeed to be the living evidences of the imperfection of the institution to which we are attached: still we do not need to expend tears over that, any more than we would over a safety-valve on a boiler. To return to the subject — were the memories of jurors or counsel or others connected with trials perfect and infallible, the testimony of witnesses would be recalled with precision, and again there would be no need of the stenographer's reading from his record, — or making it! The stenographer supplements, therefore, the fallibility of the tribunal in some important respects. It would be a pity if he should himself be fallible. I am afraid there is in this respect an unwarranted assumption, highly flattering to the abilities of the great men who founded the profession, but, alas! not wholly merited in these degenerate times. Rather is it a weariness to try to live up to even the common reputation of the profession in this regard. It would be more comfortable to be looked upon as a creature with limitations and subject to conditions — subject to the like infirmities with themselves, so to speak — and, as such, to be given a chance to adjust conditions a little; little bit, so as to do work in a manner and with results satisfactory to one's self. As we all stand convicted of fallibility, we may worthily seek to adjust conditions so as to minimize errors and make results "more definite and certain." to the end that the confidence in the justice and accuracy of the courts, so necessary to the peace and order of society, may rest upon a safer foundation, — in a measure, consider what would constitute an ideal tribunal.

Of course, ideals differ according to the standpoint of the imaginer. From the standpoint of some of the lawyers, the ideal court would be profuse in references and generous in allowances! From the standpoint of others it would maintain a sort of gladiatorial arena or free field for litigious combats and wordy wars, wherein the judge should merely be a sort of umpire without the right to interfere, except to declare a foul, or the like. From the standpoint of the taxpayer it would be one which expedited as much business as possible, whether well or ill, — and cost as little as possible! From the standpoint of the litigant, it would be one in which respectful attention was given to his side of the case and in which the villany of the other side should be exposed and punished. From the standpoint of the virtuous community, it would be one in which impartial justice was done with ability and scrupulous care. As all these have their ideals and indulge

in them unblamed, perhaps it may be permitted to the stenographer to cherish his little ideal also, and to pray for its realization.

What is the ideal court as viewed from the standpoint of the stenographer? In what I may say in endeavoring to answer that question, let it be understood that I do not have to draw wholly on my imagination for the excellencies of which I shall speak. On the contrary, in a sort of scattered way, I have continually had the good fortune to see some of them in operation, and even many of them combined. This is hopeful, for what has been done irregularly and from time to time may eventually be reduced to system and done all the time. Some progress has been made in the direction of improved methods within our observation. For instance, lawyers have been forbidden to repeat the answers after the witness, a practice which was a nuisance and generally a means of unfairness, since the answer was often repeated inaccurately and with a slight modification, generally in their own favor. The courts saw that this was unfair to the witness, and often to the other side, and even at the best was a waste of time; so it has been suppressed, and we as stenographers all rejoice thereat. Another practice in which many counsel indulge is that of proceeding haltingly with a question, just far enough to let their apparent intent be understood, though not expressed, and stopping with a rising inflection, leaving the witness to guess what they are at, which he will do sometimes rightly and sometimes wrongly. If wrongly, counsel are very apt to say with some asperity, "Do you know what I was going to ask?" or to indulge in some form of rebuke, a great part of which should be assumed by themselves. This would not be permitted, perhaps, in the ideal court. Worse yet is the habit some have of asking a general question, requiring a long answer, and then interrupting the answer by some inquiry as to a particular, and then wandering away from the general question, which remains unanswered, though standing with all its importance on the record, and the omission of the witness to state all it called for is likely to be commented upon severely. If counsel's attention is called to it, he is very apt to say, "Well, I have all I want of that," if it happens not to suit him. If this is fair to the witness, who may sometimes be supposed to wish to comply with his oath to tell the whole truth in answer to questions, I fail to see it, and, anyway, I should put it among the practices to be prohibited in the ideal court. Of course, the judge or the opposing counsel sometimes go back and give the witness the opportunity, but this looks like a patching up of testimony, or an afterthought, and it would seem to be right to let a full answer come to every question when put, provided the witness sticks to the subject.

The ideal court, as a searcher for accuracy and exactness, should be liberal in the use of interpreters for witnesses who speak our language imperfectly. Mr. Hemstreet made some pretty strong utterances upon this subject at our meeting in 1900, and it seems to need no further enforcement.

If some uniform practice were adopted in regard to the noting of exceptions it would be a great comfort to the stenographer. That may not be a sufficient reason, perhaps, but if not, there are others. The exception is the life of the record. Without it there would be no record. Some judges allow exceptions, as of course, to every adverse ruling; others make it matter for consideration whether they will allow it or not, if not taken. Some lawyers who are entitled to take exceptions seem to think it an awful thing to intimate to the court that they are about to do so, and approach the subject with mental genuflections, "with bated breath and whispered humbleness," and circumlocution such that you don't know really what they are at. The rule I would like to see adopted would require these mutterers to speak out and to use the fatal word plainly and unequivocally, or thereafter to hold their peace.

I find, however, that I am drifting into a catalogue of the irritations and vexations of our profession. I do not wish to do that, and so I will summarize by saying that the ideal court (always viewed from the stenographer's standpoint) will afford such encouragement and protection and opportunity to the stenographer as will enable him to make a good record — will conduct proceedings in such a way that a faithful report will be a good record, just to the lawyers and their clients, without errors and omissions which, could the stenographer have a little say as to conditions, would, I believe, be of rare occurrence. Much labor in the making of cases on appeal could, I am convinced, thus be saved.

But let us not forget that courts do not exist merely for the purpose of making records, not even good records. The primary idea is that a court shall do justice among men, that it shall afford a remedy to the oppressed, a shield to the down-trodden and the weak, a curb to the arrogant and powerful, that it shall be a peril to the wrongdoer, whatever his wealth or station. If in the pursuit of these things the clear-minded and honest judge sees that the record is to be a snare to catch the feet of justice and delay or arrest her march, let us not blame him if he seeks to avoid an exception. Let justice be done though the record fall! I am not sure that it is right to be impartial where the case is too clear for doubt! Only let it be clear.

Mr. McLOUGHLIN: I would like to move that we now adjourn, but before doing so I wish to say that it strikes me we have made

great progress in our meeting thus far. This is due to the excellent arrangements that have been made by the self-appointed committee of one,—as usual. I would like to get some idea of the sense of the convention as to whether we are to have another session to-day or not. The thought struck me if we arranged for this entertainment at six o'clock we might have one or two papers read and have a short session wherever we happen to be, without necessitating our meeting in this particular room: so, if it is in order, I would move that we now take a recess until sometime this evening. I do not want to say where I would like to go this afternoon, but I have a note here from the secretary which I will read: "Move to adjourn so that we can make arrangements for the entertainment this evening, and take in the races this afternoon."

The PRESIDENT: It seems to me if we do adjourn, and this committee makes arrangements for the entertainment this evening, we had better adjourn to some definite place of meeting, say at six o'clock, and we all ought to be there on time.

Mr. WAT. L. ORMSBY: Mr. President, it seems to me we can easily finish up what we have to do to-morrow without having a session this evening, and I move to amend Mr. McLoughlin's motion —

Mr. McLoughlin: I didn't intend it as a motion: it was simply a suggestion.

Mr. WAT. L. ORMSBY: Then I move to amend his suggestion, that we now adjourn until to-morrow morning at ten o'clock to meet at this place.

The PRESIDENT: I think before we do adjourn that the committee in charge of this entertainment should name some definite place and hour we are to meet, and while they are arranging for the entertainment we will go to the races.

Mr. BISHOP: Mr. President, I am under a little embarrassment. I am obliged to return to the Berkshires to-night or early to-morrow. Unfortunately a paper which I have written, at the suggestion of the gentleman who acted on the civil service matter, exceeds his time limit: I think I can say very much exceeds the limit of five or eight minutes. I do not claim that it is important to have it read anyway, but if it is the desire that I read it I would like to do so at the first opportunity.

The PRESIDENT: I think we would have time to listen to Mr. Bishop's paper before we adjourn. We have fifteen minutes. I think we had better first settle on what we are going to do about this committee on entertainment, and then we will have the paper read and adjourn.

Mr. McLOUGHLIN: The committee suggests that the members meet at the Worden House at six o'clock, and the committee will provide conveyances to the place of entertainment.

The PRESIDENT: If there is no objection I will suspend the motion to adjourn for the present, and we will now hear Mr. Bishop's paper.

Mr. BISHOP: I have taken what may be considered a peculiar liberty in the production of this paper. We had in 1893, at Niagara Falls, one of the ablest papers that the Association has ever had, a paper by Mr. Desjardins, the gentleman who reports the French speeches in the house of commons at Ottawa. It contains very important points, which probably have never been dug out or referred to because of the extreme length of the paper in which they were embodied; and as illustrative of some of the points that I have undertaken to present, I have rehabilitated, you might say, some of those matters, and reproduced them: and they come in at the end of this paper. I have some fear that the paper will weary you from its length, as I dictated it, and dictation generally results in diffuseness of style. I did so at Pittsburgh, about two weeks ago, and perhaps you will say I have been needlessly prolix. The subject is, "Reporting the Untrained Talker."

REPORTING THE UNTRAINED TALKER.

BY GEORGE E. BISHOP, OF NEW YORK.

I CONCLUDE the announcement of this topic is likely to bring to the mind of the experienced stenographer reminiscences as vivid as any that would be aroused by any topic I could mention. Whatever be the reality, or the general belief, ours is a calling replete with stirring incidents, and what, in other professions, would be surprises; so much so that some of us have unquestionably reached that stage of mental discipline at which surprises are no longer possible — unless it be surprise that anything can happen which even to the young or inexperienced stenographer can be surprising.

The senior member of the official corps of the third judicial district once recounted, to a group of whom I was one, an experience which one of our New York city lawyers had given him, — the lawyer a distinguished member of the bar, now deceased, who, from the witness stand, rehearsed, *seriatim*, the steps in the course of procedure in some litigation about which he was called on to give testimony. The statement was, that he rattled off the details of the proceedings very much as he might have read them from his office register, taking no concern for the scribe, to whom the names were unfamiliar, and to whom some of even the various legal steps described might have been clothed in a garb of mystery.

I knew that lawyer well: I sent him, in 1867, the first stenographer he ever had in his office — that stenographer himself long since graduated from such service, and now holding good rank in Detroit as an attorney. Remembering the wonderful facility this member of the bar possessed in the use of our language, especially the characteristic — a redeeming feature for the stenographer, — of being one of the most accurate talkers I ever knew, — I fully appreciated what a stunning sensation the stenographer in that examination must have experienced, from the mere unexpectedness of it, expert as our friend from the third district was, and still is. As even all lawyers are not accurate of speech, I ought to pause long enough to say of Mr. Bangs, this lawyer, that so accurate was he that even on rapid arguments and discussions some of us have found reporting him not only a pleasure, but almost an inspiration. Looking in retrospect over many years of service, I can hardly refrain from paying this tribute to this great counselor, whose style was so perfect, and who was one of the most liberal patrons of our profession that the city of New York ever had. And I recall bits of experience with a few such accurate talkers which I treasure as glimpses of what I might call stencographic delectable mountains, stretching along the horizon, hemming in the path of a very busy career, to be recalled as one recalls shining summits, touched with the light and warmth of a gracious illumination. With this great lawyer it was not a question of re-shaping and reforming a jumble of inartistic sentences; it was simply the taking down of what he said, and making an accurate transcript thereof.

Expert writers have had occasion to lament, ever since good *verbatim* work has been done, the necessity of reporting, not so much the rapid talkers who spoke grammatically — who gave out sentences that were symmetrical, — sentences the fundamental structure of which was not changed, in *medias res*, but which ended on the same lines on which they were begun, — but the untrained talker, especially the man with great readiness of utterance, a *verbatim* report of whose remarks would reproduce the aggravated repetitions of Mrs. Caudle's curtain lectures. An example, mild but often paralleled, was quoted in our 1893 proceedings, in the paper contributed by Mr. Desjardins — the quotation from our honorary member, the late, lamented Thomas Allen Reed, — in which Mr. Reed gave a *verbatim* transcript, the incongruities and disconnectedness of which any listener except the most careful might, simply as a listener, have failed to discover, but which, subjected to the test of being literally transcribed, revealed numerous incongruities and structural absurdities. It may be remembered that Mr. Reed, after giving a *verbatim* transcript, also gave such a transcript as in his view it was the

proper function of a skilled stenographer to make. Incidentally let me add, on the subject of the impression made on a listener by a talker with a flowing style, speaking in a rotund, well-modulated voice, that I have very frequently encountered, especially during the last few years, conspicuous instances in which listeners with pretty practiced ears would have failed to discover that statements, or short speeches, as delivered, were replete with solecisms and confused passages, and did not connect: that subjects and predicates, antecedents and relatives, were separated by intervening clauses, sometimes qualificatory, sometimes independent, but dividing, by wide spaces, those matters that should have been brought into juxtaposition. I have related, at one of our meetings, the incident told to us by Mr. Jas. L. Crosby, the late accomplished stenographer of part III, supreme court, first district, — his calling the attention of Judge Samuel Blatchford, while the latter was yet in active practice at the bar, to some sentence contained in remarks of the late Mr. Evarts, the transcript of which, in the old times before we had the typewriter and while we still used legal cap, covered two or three of those pages. A number of us assisted Crosby and Underhill, the two gentlemen who had the reporting of *Opdyke vs. Weed*; the record of each day's proceedings in that litigation, including all the arguments and discussions, having to be delivered early on the evening of the same day. Mr. Crosby said that Blatchford remarked: "Yes; and one trouble with some of Mr. Evarts' sentences is, that the d—d things won't parse." Blatchford's comment was true: though one listening to the speaker, thinking he was catching the meaning, and not always carrying forward, to the end of a sentence, the subjects which must be supplied, somewhere, with predicates, and often dazzled by the wonderful way in which the complicated structure was built up, — probably seldom detected that subjects and predicates did not fit quite together, or that the "thing" would not have "parsed." Obviously, if this were true of such a talker as Mr. Evarts was, — a man capable, when he wrote, of constructing sentences of great symmetry, — if such a talker failed, sometimes, to give his oral utterances grammatical completeness and rhetorical symmetry, it can be imagined how signally the less experienced man may fail, and consequently how arduous must be the service performed by the stenographer whose first duty is now generally conceded to be to correctly represent the *idea* sought to be expressed, while retaining enough of the actual verbiage of the speaker to give the impression that the language itself has been as closely followed as was consistent with the determination to render the meaning accurately. This, I hardly need say, applies, not to testimony, in the reporting of which the reporter is required to give the

answers *verbatim*, and to leave the questions substantially so, but to speeches, arguments, discussions, in which the unpracticed talker is likely to say so much that is unshapely, so much that could not be printed *verbatim* and circulated to the public, without damaging, beyond hope of repair, the reputation of the speaker as a user of words. As will be remembered, Mr. Desjardins, in the paper referred to, discussed, with Prof. Zeibig, the question of putting into shape utterances that were faulty or unshapely; the professor having contended that what was required of the reporter of a speech or discussion was, to reproduce the exact verbiage, however crude and unrhctorical, or even ungrammatical: while our Canadian friend took the ground — which his quotation from Mr. Reed showed that high English authority also took — that the reporter's duty went far beyond that, even to such re-arranging and re-shaping of the matter reported as would, if the idea were discoverable from the language, give a clear indication of what the statement or the reasoning was meant to be.

These preliminary remarks should have brought us to the point of appreciating the difficulty and nicety of the reporter's task when the utterances he reports are mis-shapen: in short, such as those of the untrained talker are likely to be, — unsymmetrical, confused, with mixed metaphors, nearly all of them needing to be somewhat cleared up and remodeled — some of them radically so, — in order to set forth the meaning which, notwithstanding the confusion of utterance, may have been clear to the reporter. I do not believe many will accept the dictum of Prof. Zeibig; I think, rather, that all present will accept the reasoning of Mr. Desjardins, backed up by references to Mr. Reed and other expert practitioners, including some well-known members of our craft doing parliamentary reporting in France. All those authorities were marshalled in a very imposing array, in that masterly and comprehensive 1893 paper on The Duty of the Speech Reporter. It is not now so much a question of what the reporter ought to do; I have discussed that heretofore, I fear with excess of elaborateness; it is, just at this moment, more a question of the difficulty of the task, and the credit to which the workman is entitled who faithfully reproduces ideas mainly and imperfectly expressed, with as much as possible of the words and peculiarities of speakers whose language is not suited to *verbatim* presentation. Not that this, either, has not been already enlarged upon; but that the world is continually tending to forget it.

The late Henry J. Raymond, editor and one of the founders of the New York Times, himself a very clear but very rapid talker, once told me that he thought the "takes" of reporters at great evening political meetings were too long; that the work ought to

be so divided that each man would have not more than a half column transcription to make: that with so small an amount to transcribe he could give the requisite attention to the shaping of the matter, perfecting the form of it, bringing it up to a high standard of journalistic excellence. In such proceedings as our great daily copy cases show, where the reports require but little editing, — the conditions very different, — this is not much required; but in congressional or parliamentary proceedings, those best qualified to judge, and at the same time empowered, fortunately, to establish conditions, have to some degree adopted Mr. Raymond's idea. Our accomplished *Congressional Record* friends, of both the senate and the house corps, have succeeded in having five men, with an assistant extra, in each house, assigned to the doing of work which in bulk does not exceed on the average what one court reporter not unfrequently will get out from day to day, and does not equal, on the average, what two of our own members got out on a three months' stretch, in the Molineux trial. It is merely a rational recognition of the exigencies of speech and discussion reporting; of the vast difference between different kinds of work that are alike in bulk. If members of congress were mainly untrained talkers, and a great mass of mis-shapen sentences had to be made shapely in structure and clear in meaning for them, justice would require that the number of reporters there be still further increased. Again, take matter a large part of the sentences composing which have to be looked through from beginning to end before the reporter can begin to dictate them: pains taken to discover wherein the structure requires to be slightly or radically re-fashioned; — matter in the dictation of much of which keeping one rapid operator busy is about the best the reporter can do in transcribing. — the conditions are peculiar and individual, and require, again, to be differently dealt with. I have in mind very distinctly, because I have so many times encountered him, the talker who is addicted to assuming pretensions to oratory; whose most remarkable characteristic is that, destitute of the power which every real orator possesses, of looking ahead and seeing how a sentence will come out, he plunges in headlong, and shortly finds himself as completely bottled up as Gen. Grant described Gen. Butler as being, down on the peninsula: — discovering which, he will make a lightning-quick evolution. — you might call it a contortion, — seeming to assume that in this way he is erasing so much of the sentence as has been uttered; then plunge on again: and if he then succeeds in finishing his sentence, doing it on lines not at all foreshadowed by what he has previously said! In such a case, the quickness of the contortion is very disconcerting to the reporter, until he becomes accustomed to it. The note-taker finally learns, when the speaker

is rushing into an inextricable tangle, to expect it: he detects the symptoms, and prepares for the evolution. Often he hasn't the time in which to run his pen through matter he knows he will discard — matter which the speaker himself will desire shall not be transcribed. As a matter of fact, we come to the point of appreciating that those who are in the habit of being reported by expert men become so habituated to having their carelessly formed sentences made shapely, that they apparently give less and less concern to the matter of form, sometimes even to being grammatical — the very elementary condition of easy reportability. In doing our work in such a manner that speakers, lawyers and others, expect a re-arrangement and symmetrization of their least symmetrical sentences, we have doubtless rendered our own work more difficult, and piled up our responsibilities: but the work of competing with us is also rendered the more difficult, when our clients have a little experience in studying the work of reporters who are incompetent to reshape badly constructed paragraphs: yet, I think some of our friends have agreed that many of their clients, possessing the ability to do better, have become careless of form, and fail to notice the difference. One remembers regretfully the time when, for example, in New York we had the impetuous but accurate James T. Brady, with Charles O'Connor, and Messrs. Evarts, William Curtis Noyes, Judge Woodruff, Judge Rapallo, David Dudley Field, L. R. Marsh, Jno. K. Porter, Wm. A. Beach, F. R. Coudert, Mr. Choate, Mr. Root, and Mr. Carver when he was in active practice: though we will admit that Bourke Cochran is as accurate and finished a speaker as any of those previously named, while much more impetuous than most of them — very much resembling Brady as to manner of speech. The question has been raised, whether those whom we may classify as the "trained talkers" — the best trained talkers of the present time — are not themselves less well trained or self-disciplined than were those of the former generation. In the pulpit — reporting sermons being of course completely out of our sphere — we unquestionably still have accurate and rhetorical speakers. What the fact may be as to the relative rhetorical peculiarities of the present generation of congressmen, I should like to hear reported on by some of our honorary members who are of the *Congressional Record* corps in the senate and house. If these at the bar, and in state and national legislatures, are less careful in their oral utterances than were the lawyers and legislators of a generation ago, then we are reduced to the situation of having no longer any trained talkers to report; so that the list of the untrained would be immensely lengthened; a fact which would mean harder work, the exhibition of greater skill on the part of the reporter, and a need for larger compensation, to equalize the conditions. An

English legal decision of recent date, referred to and quoted from in an interesting paper of a year ago by our friend Irland, clearly went to the length of assuming that speeches, even by so noted an orator as Lord Rosebery, are likely to derive great advantage from being reported by men so competent that they can perfect and reshape imperfectly shaped sentences; for it was held, in that case, that the orator who re-printed a volume of his addresses, some of which had been delivered orally, and reported, violated the copyright, which covered the corrected and perfected reports. In that case a volume had been prepared, made up partly from reports published in *The Times*. It was held that if the orator desired to re-print even his own speeches, using *The Times'* reports of them, he must get the consent and permission of that journal, in which those corrected and finished reports had first appeared. The language of the decision in question made it clear that the court recognized that such reports were not *verbatim et literatim* transcripts, but must necessarily have exhibited the results of revisions and improvements, — the latter the work of the accomplished representative of the great newspaper. I have not examined this case to discover whether or not it appeared affirmatively in evidence that such revisions had been made. Either such fact appeared, I should say, or the court assumed that a finished, thoroughly acceptable report of a great address necessarily implied that the reporters of it had done more than simply reproduce the language *verbatim*.

I think I have mentioned an instance in my own experience in which a report was so acceptable to the orator reported, that he took pains to write a note expressing his satisfaction: if not, it may be worth while to say, that many years ago, reporting an oration by Mr. Evarts, I decided, on glancing over the notes previously to making my transcript, that it was my duty, as a careful workman, to change many sentences; to bring antecedents and relatives, verbs and substantives, closer together; to change the position of many parenthetical and other modifying clauses. — in some instances to split one long sentence up into two or three. The complimentary letter — which I still have filed away — afterwards received from the orator, demonstrated to my mind that with even an accomplished speaker it was often desirable to materially change the form of the utterance. I felt certain that I often made the meaning clearer: that the occasional substitution of one synonymous word for another improved the expression: and I think every man of experience who hears or reads this paper will admit that it would go against his conscience if he did not occasionally make such a substitution, even in dealing with the speeches of men whom we should classify as among the trained talkers.

What, then, must a skilful stenographer feel his duty to be, in reporting the untrained talker, if his report is to form a permanent record? The mere hint is sufficient to suggest what credit is due for reporting, and putting into clearly intelligible and fairly symmetrical form, such utterances.

An answer to the above question, and to the inquiry, what, generally, is the duty of the speech, argument and debate reporter — and, I may add, to some extent the reporter of the utterances of presiding judges — when the utterances are in such imperfect form that they might fairly be assumed to be those of untrained talkers, and to be treated as such, — I had it in mind to give a rather elaborate statement of my views on that subject; but we have, in the proceedings of 1893, so much from well-known sources on the same subject, that I feel I shall be justified if I quote from the highly authoritative utterances given therein. I have referred to Mr. Desjardin's paper of that year, — a paper so long that probably members have been deterred from discovering for themselves the wealth of material he embodied in it. He quotes from the reporter (official) of both houses of parliament, Mr. W. H. Gurney-Salter, as well as from Thomas Allen Reed, both for years on our list of honorary members; also, from the head of the *Hansard* system, and from the chief of the *London Times* parliamentary staff. I know of no more valuable use to which to put our pages than to reprint these important, but I fear almost forgotten, statements of men whose exalted position in our ranks every stenographer of high qualifications and wide knowledge will concede. I refer in particular to the statements of Mr. Gurney-Salter and of Mr. Reed; introducing their declarations with those of the other two gentlemen referred to, Mr. Hansard and Mr. Leycester. The reconstruction Mr. Reed exhibits, in the last quotation from him, of a short speech, three of whose sentences ended nowhere, is so luminous as an illustration of what the skilled reporter would do in such circumstances, that this paper may well conclude with that quotation.

FROM MR. DESJARDIN'S PAPER.

Mr. William Henry Gurney-Salter, of the firm of Messrs. Gurney, shorthand writers to the British parliament for a great many years, testified:

“Q. That it should be a *verbatim* report, you mean? A. However the report might afterward be revised or abridged throughout or in particular parts, I think the basis should be a *verbatim* report, subject to the corrections of any grammatical errors, or any such slips as most speakers occasionally fall into. Sometimes a speaker adds to a sentence, by way of an afterthought, a clause which obviously should be introduced at an earlier

stage; — an intelligent shorthand writer would correct that when it was copied out."

In 1880, the house of lords appointed a select committee to complete the inquiry made in 1878, and amongst others, Mr. Gurney-Salter, who had appeared before the preceding committee, completed his first testimony on the particular point I have in view, by the following words, which have a great bearing on the question I now discuss. Asked if there was anything else which he would wish to add with reference to the necessary qualification of a shorthand writing staff, he answered: —

"I think it will be evident that, considering the great importance of the subject-matter to be reported, and also the extreme importance of having an official or even a semi-official record perfectly accurate, so that the words spoken may be quoted with safety at a future time, the highest shorthand writing qualifications should be brought into the service of the report, and that for that purpose not only technical skill, that is to say, rapidity and accuracy of shorthand writing (which are qualifications by no means so common as is often supposed — very much the contrary), but also familiarity with public questions, and indeed general education, a university education if possible — should be possessed by the shorthand writer. It is evident, too, that it would be a work of very great responsibility. A shorthand writer in such a position must be a man who will not be negligent, and who will not be induced from any cause to depart from his strict duty. There must be no inaccuracy, either by accident or design, in his report."

In 1888, general complaints having again been heard about "*Hansard*," both houses appointed another committee to inquire into the publishing of the "debates" of the imperial parliament. The committee called upon the practical shorthand writers of the London and provincial press. Of course Mr. Hansard was called upon to give his evidence, as he had had a long experience in the matter. He said: —

"Q. Would you explain to the committee what you do propose? A. Most people know what a full report is: it is different from a *verbatim* report. Many honorable members would be very much astonished if they saw a *verbatim* report of what they had said the night before.

"BY MR. LABOUCHERE: In this plan that you propose, would your shorthand writer take down every word the speaker says, and then, in writing it out, put it into a little better English; or, would he himself put it into better English, or reduce it to a certain extent, while the speaker is speaking? A. I think not whilst the speaker is speaking; I do not think it is possible.

"Q. Would the shorthand writer literally report every word?
A. He would if he wanted it.

"Q. But there is no such thing done? A. There is no such thing either in the United States, or in France, or in Italy, or anywhere.

"Q. I may take it as your opinion that an actually *verbatim* report is very seldom obtained? A. It is very seldom obtained; and I should say, except in the case of a very great speaker, like Mr. Gladstone, that it was not desirable."

Mr. William Leycester, head of the reporting staff of *The Times*, and, as such, director of all the operations in connection with their reports, said what follows, Earl Spencer putting the questions:

"Q. In your ordinary report you correct, I suppose, any slips of grammar? A. Yes; a good reporter ought to be an editor, more or less.

"Q. It would be very grotesque, indeed, if the actual words were given? A. The effect would be singular in some cases; I would rather not say 'grotesque.'

"Q. As to the reports to which many of us subscribe, and which are issued every week by *The Times*, — are those *verbatim*, as they appear in *The Times*? A. With the necessary corrections.

"Q. What sort of corrections do you refer to? A. Verbal corrections: obvious blunders.

"Q. Do you mean corrections made by the speaker, or whoever edits the speech in *The Times* office? A. Made by the editor, and also, if any speaker writes to us to correct our report, we insert his correction.

"Q. And there are omissions, are there not, of words which were actually spoken in the debate: — are they omitted in the weekly report? A. No; there is no alteration of the reports as they appeared in *The Times*, except that they are corrected."

Further on in his testimony, Mr. Leycester came again on the same point. He said:

"Q. You say that *The Times* does not give a *verbatim* report; I suppose there is hardly any instance in which any lengthy speech, from any one, is absolutely *verbatim*. Sometimes a speaker begins a sentence, then he harks back and begins it again? A. Yes; a good reporter, as I say, ought to be a good editor. [Q. Take Mr. Gladstone, who is supposed to be the most fluent of speakers; I suppose even his speech requires a little editing? A. A very little; but a little now and then.]

"Q. I suppose that all the editing Mr. Gladstone would require would be leaving out, 'Well, now,' and things of that sort? A. Yes; and a little redundancy now and then to be pruned.

"Q. We know that Mr. Gladstone's sentences are sometimes involved; but do not his sentences always come out perfectly clear? A. Yes; he always finishes his sentences.

"Q. So that, practically, Mr. Gladstone's speeches, to all intents and purposes, could be reported as they are spoken, with the exception of such words as 'Well, now?' A. Yes.

"Q. The same observations would apply, would they not, to such speeches as Mr. Bright used to deliver? A. Yes, even more."

Mr. Desjardins adds: —

I have reproduced here the last three answers in order to show how necessary is the editing process, when one considers that out of so numerous a parliament, — both houses containing over 1,000 members, composed of the higher social and educated class of the United Kingdom, — there were, in 1888, in the judgment of Mr. Leycester, and of the members generally of the committee, but two gentlemen that could be reported *verbatim*, with, however, the exception of "a little editing." Now, how much more editing must be required in other countries where the democracy is all powerful?

Mr. Leycester says further, in his evidence: "Q. A full report does not, of course, mean a *verbatim* report? A. There is not much difference. I do not like the word '*verbatim*;' but when I say a *full* report, I mean as full as it would be proper to report anybody.

"Q. By '*verbatim*' you mean the inclusion of all errors? A. Yes; and repetitions, and diffuseness."

In another part of his evidence, he explains more clearly what he means by a "full" report: —

"Q. A full report would not be a *verbatim* report? A. It would be nearly *verbatim*. I say I do not like the word '*verbatim*;' but a full report would be a *verbatim* report to all intents and purposes, leaving out that which a man would leave out himself if he were correcting his own speech.

"Q. Leaving out 'Well, now,' and such expressions as that? A. Yes; and mere repetitions.

"Q. But, practically, for a full report, you would retain everything that anybody (himself) would retain in his speech? A. Yes; as full a report as anybody would care to have.

"Q. A 'full' report is a rational *verbatim* report? A. Yes."

Mr. William Henry Gurney-Salter was again called before the committee in 1888, and gave lengthy evidence on the subject. He said: —

"Q. Do you think if an official reporter were employed it would be necessary that his report should be quite *verbatim*? A. There

is a good deal of official reporting in this country which I may venture to speak of, because I have been responsible for it for a long time, both in these committees and in some judicial work, and in other places. The duty of an official shorthand writer is well understood. It is not to give a 'full report,' but to give a *verbatim* report; by which I do not mean, and I do not think any official shorthand writer will understand it to mean, a report containing grammatical imperfections and obvious slips, which the speaker at the moment would, perhaps, recall, but a good, clean report of all his words. In principle, the duty of the official shorthand writer is not that which I believe reporters in ancient times supposed to be their duty, — that of conveying the thoughts of the speaker, regardless of his words: *but that of conveying the words of the speaker with just such slight rearrangement as may sometimes be necessary to place them in proper form.*

"Q. Are those rearrangements made by the shorthand writer during the progress of his work, or does he actually take it down as said, and rearrange it afterward? A. He practically always rearranges, to some slight extent, as he goes along. If the speaker uses the wrong word and corrects it, it is corrected by the shorthand writer at the same time, just as would be done if you were dictating slowly to some one in longhand.

"Q. Does the shorthand writer correct grammatical errors as he goes along? A. To some extent, but not largely.

"Q. Then if an official reporter were employed and were to make any error, which in the opinion of the speaker was an important one, would the responsibility lie entirely on the shorthand writer? A. Certainly; he would be answerable for it, just as any officer is answerable for anything he does wrong in the discharge of his duty. Official shorthand writing is not altogether a novelty. * * *

"Q. But from your experience of foreign official reporting, is any correction by the reporter or by the official editor allowed, or, is the only alteration that which is given in by the members themselves? A. I may be allowed to say that we collected a great deal of evidence upon that subject last year for the International Shorthand Congress, and I was astonished to find how very much the practice is the same in nearly all countries. In one case the official report of the debates was summarily described by one of the shorthand writers as *verbatim cum grano salis*. That is very much what I have been endeavoring to describe as the duty of an official shorthand writer in this country, namely, to give the very words, *but in an intelligible form, by a slight rearrangement, if necessary.* That is the reply that was given in various terms by most of the shorthand writers to whom the question was put, and it was specifically put to the shorthand writers of every country in which there are official shorthand writers.

"Q. Mr. Leycester objected to the term '*verbatim*.' I understood him to do so as implying that there might be remarks made such as 'well, now,' and so on, which need not be introduced: that would be his meaning, as I understood? A. I should agree with Mr. Leycester, and I should prefer to call it a '*full report*.' provided it be understood that by a '*full report*' is meant a report of everything *except redundancies*."

Touching the systems of long or short turns, he expressed himself as follows,—and it will readily be seen how close is the connection between that subject and the one now discussed:

"Q. In one case (the short turns) the reporter becomes a mere machine; whereas, in the other (the long turns), he has to exercise intelligence? A. I do not think under either system it would be possible to obtain a good result without the reporter's exercising intelligence, but he has more opportunities of exercising intelligence under the one system than the other.

"Q. His intelligence comes into greater service when he takes the longer reports? A. Yes.

"Q. Of the two systems, you would prefer that? A. Yes; and that is not my own individual opinion only; one very good authority that I cite for it is M. Lagache, who was for many years the *chief stenographer in Paris, and is now a senator*. He told me that the short-turn system was not in his opinion so good a system. I have a memorandum of a conversation with him on the subject. I also know the opinion of many other shorthand writers who have practiced in the courts, to be the same. The ex-president of the Institute of Shorthand Writers, practicing in the courts of justice, expressed that opinion at the shorthand congress."

Mr. Reed has, as every one knows, published a very valuable book under the title of "*The Reporters' Guide*." In it, Mr. Reed writes as follows:

"In transcribing hastily-written notes of a rapid legal argument or a scientific lecture or a metaphysical discourse, the demand upon the intellectual faculties is of course considerably increased: and when any special difficulties are experienced, such as a very loose or involved style on the part of the speaker, or an indistinctness of utterance, the task of disentangling confused sentences and supplying the omissions, to say nothing of giving a meaning to ill-shaped symbols capable of any number of '*various readings*,' involves an amount of mental effort and application little suspected by the uninitiated.

"I am perfectly aware that there are many shorthand writers who fail to accomplish this task with the requisite skill; who, having, probably with great manual dexterity, taken their shorthand notes, set about the labor of transcribing, troubled with no

misgiving as to the best rendering of complicated sentences, heedless of the most obvious violations of the rules of syntax, anxious only to get through the work as quickly as possible, and then to send in the bill. But I am not referring to the labors of the careless or the incompetent; I allude to the efforts of the painstaking, conscientious, and intelligent shorthand writer, when I say that they involve no inconsiderable amount of mental exertion. I do not now mean the exertion required in following the speaker, but that which is demanded in producing an accurate and at the same time a readable transcript of the notes that have been taken.

"The first care of the reporter in transcribing his notes should be to produce an intelligible report; and he will hardly accomplish this unless he himself understands what he writes. If he fails to follow the train of ideas which he has to record, the probability is, that more or less of confusion will be observable in his report. He should endeavor to place himself for the time in the position of the speaker; and generally his aim should be to present his report in such a form as the speaker himself would be likely to adopt if he were his own reporter. The extent to which he may depart from the phraseology employed, or omit any of the speaker's words, will greatly depend upon the style of the speaker and the nature of the report required. If he has to supply a full — called, by courtesy, a *verbatim* report, he will, of course, adhere very closely, but not slavishly, to the speaker's words. If a condensed report is needed, he will take greater liberties with the wording of the sentences, and concern himself chiefly with a presentation of the ideas in a concise, intelligible, and grammatical form. In either case, especially in the latter, the manner in which the task is performed will greatly depend upon the reporter's apprehension of the speaker's meaning. * * *

The task of the reporter in transcribing his notes is not unlike that of the translator, especially in the necessity of an intelligent apprehension of the ideas conveyed; and I take it that both should be guided to some extent by the same principle. The question which I have no doubt every good translator often mentally puts to himself in the course of his labor is, 'How would my author have expressed this idea if he had written in my language instead of his own?' In like manner the reporter, as I have said, should often seek to put himself in the position of the speaker, and give such a rendering of his words as will be best adapted to express the ideas sought to be conveyed.

"In some cases this is no difficult task. When a full report is required of speeches like those delivered by Mr. Gladstone or Lord Derby, whose thoughts almost invariably and of necessity clothe themselves in clear and precise language, the reporter has

scarcely anything to do but accurately to record the words that fall on the ear. But those are exceptional instances: and in by far the greater number of cases the words uttered need something more than mere transmission: they require passing through the alembic of the reporter's brain, there to undergo such transmutation as an intelligent mind deems necessary.

"I do not mean to say that it is a reporter's duty entirely to recast a slovenly speech, and present it in the form of a carefully-written essay. I have somewhere seen it stated, not only that this should be done, but that the reporter should endeavor to record all the points which the speaker *intended* to make, in addition to those which he has *actually* made. I need hardly say that few reporters would care to undertake a labor so herculean, and perhaps few speakers of any note would care, to this extent, to intrust their reputation to the tender mercies of a reporter, however skilful, who should take this enlarged view of his functions. The general object to be obtained is to make the speaker speak intelligently, grammatically, and, I will not say gracefully, but smoothly, without, however, suppressing any marked individual characteristics worth preserving. To make some speakers speak smoothly would be to conceal their individuality in a way that neither they nor the public would desire. But as a rule, reporters should omit needless tautology, soften down awkward angularities, and supply obvious omissions in composition.

"With regard to the omission of unimportant matter, very much will depend upon whether a *full* or a *condensed* report is required. In the case of a full report, it will often be sufficient to omit some of the frequently recurring words at the commencement of sentences, such as 'now,' 'now, then,' 'let me say,' etc., which are not noticed in the speaker, but which, when often repeated, greatly mar the effect of a printed speech."

And further on, after having given the rules applying to condensed reports, he adds:

"With regard to the second point I have mentioned as coming within the scope of the 'reporter's' duties — the rounding off of angularities, little need be said. The style of some speakers is so broken and disjointed that nothing short of an entire reconstruction of the sentences is needed to render them even passably readable. This does not necessarily arise from any confusion of ideas on the part of the speaker. It is sometimes the result of a rapid flow of thought with which the tongue is unable to keep pace. Whatever its cause, the reporter should do his best to remedy the defect, taking scrupulous care that while altering the verbal expression he does not misrepresent the sentiments of the speaker. In the case of a very involved sentence, it is a good plan to emancipate yourself entirely from the speaker's phraseology: to

do your best to ascertain the speaker's meaning, then to shut your book, or close your eyes, and, oblivious of every word you have written, express the sentiment in your own way. It is not often, perhaps, that a speaker's words are so intractable; but every reporter will occasionally meet with instances of this kind.

"One of the most common errors of public speakers is that of beginning a sentence and never finishing it. In most cases the reporter can easily supply the missing words, or by a little judicious omission or alteration at an early part of the sentence render unnecessary the termination which the speaker's form of words requires. Nothing is more common than for a speaker to begin by saying, 'if I am told that,' 'when it is contended that,' or some similar phrase, and then, after pursuing the intricacies of a long sentence, wholly to forget the 'when' or the 'if,' and leave the result to the imagination. In such a case, it will generally suffice to turn the hypothetical into a somewhat more direct statement, and render the words 'I may be told that,' 'it is (or may be) contended.' Here is a specimen of a literally unfinished style of speaking such as will often try the patience of the young reporter: —

"When I remember how many persons have been benefited by this society, which was established not only for the relief of the poor, — because you will remember, Mr. Chairman, that I said distinctly when we first commenced operations in this town, though I was opposed by almost every individual who attended that meeting — not that I had any fear of opposition, for I maintain that if a man cannot stand against a little opposition he is worth very little; but when I am told that this society, or indeed any other society of a similar character — for I am happy to say that in this country the spirit of charity is as widely diffused as the air we breathe, and it would be an evil day for England if that spirit should ever be extinguished, — no, sir; I maintain that this cause belongs to the rich as well as to the poor."

"It is quite possible that the syntax of this peculiar collocation of words, especially when uttered *ore rotundo* on a public platform, would pass without observation except at the reporters' table, and that, accompanied with a moderate amount of emphasis and gesticulation, the utterance would be received with 'loud applause.' It will be seen, however, that in those few lines there are three sentences begun and not finished. 'When I remember' — what then? 'I said distinctly' — said what? 'When I am told that this society.' 'Society' is a nominative without a verb, and the 'when' is wholly ignored. Now, let us attempt, without altering them more than is necessary for the purpose, to put the words into a readable shape. The meaning is sufficiently obvious: —

" 'Let us remember how many persons have been benefited by this society, which was established for the benefit not only of the poor but of the rich. You will remember, Mr. Chairman, my statements on this subject when we commenced our operations in this town. True, I was opposed by almost every individual who attended our meeting. Not that I had any fear of opposition, for I maintain that he who cannot withstand opposition is worth very little. I repeat, it is not the poor alone who are concerned in this society, or indeed in any other of a similar character: for I am happy to say that in this country the spirit of charity is as widely diffused as the air we breathe, and it would be an evil day for England when that spirit should be extinguished. No, sir: I maintain that this cause belongs to the rich as well as to the poor.'

" But while the kind of speech of which the above may be taken as a type stands in absolute need of revision, it is not to be supposed that every species of abruptness or angularity should be rounded off, and every imperfect sentence reconstructed. There is a kind of abruptness which gives character to a speech, and which, therefore, the reporter should carefully preserve. To supply correcting words and patch up broken sentences might in such a case deprive a speech of half its vigor and originality. I have seen characteristic speeches of this kind spoiled by the injudicious manipulation of the reporter, who has been at infinite pains to 'dress up' sentences that might have been rendered precisely as they were uttered. These cases, however, are rare, and they may be easily discriminated by the exercise of ordinary judgment."

In my view, the thanks of this body were due to Mr. Desjardins for the opinions he himself expressed in his long paper, and for assembling, in the most comprehensive manner in which I have ever seen it done, these and other words of wisdom, from eminent authorities, on this interesting and important subject.

The PRESIDENT: I will now put the motion that was suspended, that we adjourn to meet at this place to-morrow morning at ten o'clock, with the understanding that we meet at the Worden House at six o'clock P. M. to attend the proposed entertainment. (Carried.)

SECOND DAY — FIRST SESSION.

The president in the chair.

The PRESIDENT: The secretary has received some communications, two of which may be read at this time.

The SECRETARY read that of Mr. R. W. Mitchell, of Portland, Oregon, as follows:

It would give me the greatest kind of a large, healthy pleasure to attend the convention and mingle with the old-timers once again. I am glad to learn that it is to be an up-to-date affair. My participation would be of the ancient reminiscent style, because I would want to whisper away back into the large, generous ears of Philander Deming something of the time he used to try to take testimony in a glass case and get it mixed up with the case on trial. I would want to see and hear that dear old Trojan, Rodgers. I'd like to tell you all how things have progressed, and picture the amazing advancement since the trial at Albany of Mary Hartung for giving her husband something that made the world so disagreeable to him that he went away back and never came to the front any more. Then I might tell you about my first job trying to report the Cole-Hiscock manslaughter case. But I can't go. I have to earn a salary in order to make a show at living. I don't want to yump my job. I am so far away, and you easterners have such biased opinions of the western people, you wouldn't believe me anyway or anything I might tell you. Aside from all this, Saratoga has no attraction for me since its authorities closed up that gentle citizen, John Morrissey, and let New York send him to congress. There he didn't bother the reporters, because he never opened his mouth during two sessions, except to take a drink. The first case I reported was Morrissey vs. Heenan. That was up in Canada, and I was pressed into the service. I took the rounds in shorthand,—all except two, and they were so full of attraction that I forgot what I was there for. They were Morrissey's rounds, and I apologized to him in Washington years after. Heenan and I became bosom friends and had many and many a heart to heart talk over the matter. Through his kind and gentle magnanimity I got out of the shorthand business and went to painting scenes for two weeks at \$3.00 per week, and haven't been paid yet. Met with same experience reporting eight meetings in one night of the Evangelical Alliance in Washington, D. C. Six of us turned out eighty-five columns between 8 P. M. and 3 A. M. Have not seen a cent yet in the way of pay, and that was twenty-six years. Will the Association take up the claim? The owner of the paper was a Sunday school superintendent and an every-day beat.

I hope you will have just a lovely time. I am with you in my prayers. If you drink too much water you will need them.

Also, the following from N. Stewart Dunlop, of Montreal:

I have just returned to-day from a trip to the Pacific side of the continent, and have been away for over a month, and it will take me a considerable time to overtake my work, so that I regret it will be impossible for me to be present.

I wish the Association the greatest success, and I hope that this gathering will be one of profit and pleasure, as all your meetings are.

The PRESIDENT: I think before we proceed with the reading of papers there is a committee that should be appointed, and it should properly be appointed on motion, and that is a committee on resolutions on deceased members. Three of our members have died within the past year, and a motion to appoint such a committee would be very appropriate at this time.

Mr. SAMMIS moved that a committee of three be appointed to prepare a memorial on deceased members. Carried.

The PRESIDENT: I will appoint the committee later.

Mr. BISHOP: Mr. President, the committee on place of meeting unanimously recommends that the next annual meeting of the Association be held at the Crossman House, Alexandria Bay.

On motion the report of the committee was accepted and adopted.

The PRESIDENT: The next on my list is a paper by Mr. Head.

Mr. ARTHUR HEAD read the same, as follows:

WHAT SHALL WE DO ABOUT IT?

BY ARTHUR HEAD, OF TOWANDA, PA.

WHEN Peter stood before the assembled multitudes on the day of Pentecost, and poured forth his words of fiery eloquence and irresistible logic until the multitudes were convinced that he spoke the truth, it is written that his hearers "said unto Peter and to the rest of the apostles, 'men and brethren, what shall we do?'" I have chosen this question as the text of a brief sermon on the subject of the present status and condition of shorthand writing in the United States. The important lesson to be drawn from this text is that the multitude, when they became convinced of the truth of Peter's words, did not simply say, "of course this is true, but how can we help it?" but they immediately began to inquire, "what shall we do" to remedy this most unhappy state of affairs? And when Peter had pointed out the way it is written that about three thousand of the assembled multitude availed themselves of it upon the spot.

It is conceded on all hands that the present condition of shorthand reporting in the United States is most unsatisfactory, and that the present status of the professional reporter, especially of the law reporter, both official and non-official, is not only unsatisfactory so far as compensation is concerned, but that it is oftentimes in many respects most humiliating. It is impossible in a

paper of this kind to enumerate these unsatisfactory conditions, but in general they may be said to arise from the erroneous views held by the public at large in regard to the profession of shorthand reporting.

The professional reporter, who must in all cases be a man of thorough education and large experience and training, and of expert and technical knowledge, and who is oftentimes the peer of his employer in intelligence, education, culture and professional knowledge, finds himself looked upon not only by the public, but by his employer, as well as a mere scrivener or clerk, and is brought into competition with the vast army of incompetents who hold themselves out to the world as stenographers, and often finds not only his compensation but his position imperiled by the competition of these incompetents. This matter has been the subject of much discussion by various shorthand associations, but up to the present time absolutely nothing has been done to remedy this condition of affairs. The question which now confronts us is, can it be remedied? and if so, "what shall we do" to discover and apply the remedy?

The primary cause of the present condition of things is the ignorance of the general public upon the subject of shorthand, and the erroneous views held by many intelligent people respecting the possibilities, the limitations and proper functions of the art. This being the case, the only proper and effectual remedy is to enlighten the public in this regard. Is this possible, and if so, how can it be done? There is no question that the task is a difficult one, but nevertheless I believe it possible by concerted, determined and systematic efforts to do much towards remedying the present unsatisfactory condition of affairs; and one of the several methods which suggest themselves to my mind for accomplishing that purpose would be the appointment of a committee of intelligent, active and energetic reporters to consult upon the subject, to determine what steps should be taken, and then proceed to take such action as seems to them most likely to accomplish the desired results; and among the various methods the following suggest themselves to my mind:

(1.) The publication of short and readable articles in the secular press, particularly the weekly press which circulates among the more intelligent part of the community, describing and setting forth at length the necessary qualifications of shorthand reporters, the length of time required to become proficient in the art, the necessity of a good preliminary education and of a technical knowledge of the subject to be reported, and such other matters as will readily suggest themselves to any intelligent and experienced reporter.

(2.) The answering and refuting of the various stenographic fables which continually circulate through the press. That is to

say, when a newspaper publishes the oft-repeated fable about reporting a foreign language by sound and making a transcript through an interpreter, this fable could be made the text and occasion for not only refuting the story itself, but for placing many other truths before the public. And when a newspaper tells the public of some stenographic prodigy who, after studying shorthand a few weeks, is able to write three hundred words per minute, the statement could be made the pretext for still further enlightening the public not only upon the limitations of shorthand speed, but upon the further fact that mechanical speed alone is only one of the necessary qualifications of a stenographer, and often the least important of those qualifications.

(3.) In the next place I would endeavor to secure the publication in some of the leading monthly and weekly periodicals of original articles on the subject of shorthand reporting. The subject is one of very general interest, and it is probable that well-written articles treating upon the history and progress of shorthand writing, upon the qualifications of a competent reporter, and the length of time required to attain proficiency in the profession could be made sufficiently interesting to secure their publication in some of the most widely circulated periodicals of the day.

(4.) The preparation of cheap pamphlets upon the subject, which can be privately circulated by reporters among their own clients and others whom they may desire to reach. A pamphlet of forty or fifty pages could be prepared which would cover a large amount of ground and supply much desirable information on the various matters connected with professional reporting. Such a pamphlet could be printed in quantities for an almost nominal sum per copy, and if the professional reporters throughout the country would each bear the burden of circulating them where they would do the most good in his own vicinity, much might be accomplished in this way.

(5.) Still another method would be the establishment of a periodical to be devoted exclusively to professional reporting and circulated among lawyers, judges and others who are most interested in the employment of competent professional reporters. A small quarterly publication would probably be more desirable than a monthly, for the reason that the expense would be less, and if properly conducted many law stenographers, both official and non-official, would find it to their interest to subscribe for and circulate a large number of copies among those to whom they look for employment. There is certainly talent enough among the professional reporters of the country to conduct such a publication, and there are doubtless many who, as a matter of self-interest, would be glad to contribute articles from time to time.

Of course, the publication of such a periodical would be something of a burden, but if a large enough circulation could be guaranteed it is probable that the cost of publication could be nearly or quite paid by the advertising.

(6.) Still another method which might be of some benefit, but which would seem to be of less value than the others, would be the appointment of a committee of competent stenographers to contribute articles on the subject of professional reporting to the various shorthand journals now published in this country. As these journals seldom reach the class of people whom we desire to instruct, and as many of them contain articles in every issue belittling the profession of stenography by misrepresenting the time, labor and education required to make a reporter, this method would seem to be the least valuable of all, and yet some good could undoubtedly be accomplished in this way.

(7.) The last suggestion which I shall make is the issuing of certificates or diplomas by prominent and well-established shorthand associations, certifying to the competency of the holder. If necessary, these certificates could be of different grades for amanuenses, clerks and reporters. The value of such a certificate would, of course, depend very much upon the standing of the organization issuing it. A certificate issued by the New York State Stenographers' Association, or the Law Stenographers' Association of New York city, ought to be of great weight, and I for one would highly prize a certificate from either of those organizations.

These are some of the methods which occur to me as tending to educate the public and correct the present popular misapprehension and ignorance upon the subject of shorthand reporting. The most effectual remedy of all would be a judicious law for the licensing of stenographers by a competent board of examiners; but it is evident that such a law cannot be passed until the public in general, and especially our legislators, understand more fully the educational qualifications, the experience and training necessary to make a competent shorthand reporter. These crude suggestions are offered with the hope that they may lead to further discussion of this subject, because I believe that one of the necessary prerequisites to a license law is the education of the public along the lines indicated in this paper.

MR. EDWARD CARROLL, JR.: Mr. President: I wish in the remarks I am about to make to distinctly disclaim any personality. While I have the highest respect for the gentleman whose paper we have just heard, I feel that nothing could be more ill-advised, nothing could be done to further increase whatever public opinion there may be against us, than any united effort on our part to demand of the public a consideration which as yet they

have not voluntarily accorded. The consideration and esteem in which a body of men is held by the public comes not from the effort of those men to demand consideration; it comes from the public appreciation of what they do and what they are. I think that the complaints of lack of consideration shown stenographers in most instances proceed, if traced far enough, from the conduct of the man. Certain men may not be insulted, cannot be insulted, cannot be humiliated. The position of a stenographer is one that commands respect. It would be as well for the lawyers assembled downstairs to pass some resolution advocating the writing of articles in the daily press, asking for an increased consideration from the public on the ground that they are stigmatized as prevaricators, pettifoggers and instigators of litigation. Such an indictment against some lawyers unquestionably is true; the indictment against the profession at large unquestionably is false. If a stenographer is a gentleman, and merits the respect of the community in which he lives, I believe there is no discrimination against him because of his calling. I think that the consideration in which a man is held rests on the man and not on his calling. There is nothing demeaning or belittling in our profession. Let us not apologize to the world for a profession that we consider an honorable one. It would be impliedly a confession on our part that we consider that we have not the position we ought to have. We cannot make people acknowledge that position by simply reiterating our own importance. We have to achieve that position by years and years of conscientious work and acquirement in the community in which we live. It cannot fairly be assumed that a profession that has now existed in this country for forty years, the men practicing it having lived in the various communities many years, that that community is so unintelligent as not to appreciate those men at their true worth. We know that among ourselves the men who are deserving of respect, esteem and friendship receive them, but you take the man who simply possesses mechanical skill and can write so many words a minute, has no education and no breeding, and he is not fit for the company of gentlemen, either stenographers or lawyers, and he is treated accordingly. There is no practical difference in the treatment of the lawyer and the stenographer. The stenographer who merits it is treated with just as much consideration as any one else, and the man who treats him with less consideration than others simply because he is a stenographer, — well, the stenographer should feel himself above being humiliated by such a man.

Mr. HENRY C. DEMMING: Mr. President, when Mr. Head concluded the reading of his paper I thought that it was just about right. When the gentleman who just spoke finished I concluded

that Mr. Head was not so nearly right after all. While I am convinced of the difficulty on the subject, I am willing to leave the whole matter to this Association.

Mr. SAMMIS: Mr. President, I rise as a mediator. I felt very much as Col. Demming did, in fact exactly as he says he did. I thought Mr. Head was right until I heard the remarks which followed his paper. I think that Mr. Head's suggestion is good in so far as it relates to enlightening people on what we really are. I have found in talking with a great many people that they thought a stenographer was simply a stenographer, no matter what position he held as a stenographer. After talking with them and explaining the difference between the amanuensis and the reporter, I found that they generally acceded to our own views on the matter, that we were superior to the average mortal. Therefore, I think if we could enlighten the public generally as to what we really are it might do a great deal of good. At the same time I agree with Mr. Carroll that we should not try to force people to acknowledge us as we wish to be acknowledged.

Mr. CARROLL: There is only one thing I desire to add to what I have said. I heartily agree with the last suggestion in Mr. Head's paper about licensing, not from any social aspect of the matter, but from a purely practical one. I think from a practical standpoint it might be of value, but from a social standpoint I do not think the profession ought to have anything to do with it in any way.

Mr. BISHOP: Mr. President, Mr. Head's paper certainly made no reference, so far as I discovered, to socialism. It was a recognition of merit that is sought, as I understood, for the profession to-day. I have merely a single thing to say, and that is this: It has occurred to me many times in recent years that a setting forth, not in a publication devoted to shorthand and which only shorthand writers read, but in some daily of large circulation and high character, would be valuable; that if some one would write up the various phases of the art, indicating, of course, the education, study and skill required and exhibited in making reports such as our members make and such as the reporters in congress make, — much might be accomplished in this very line. But the facts and reasoning would have to be presented, in my view, in an attractive literary garb. They would have to be made interesting as reading matter. There are certainly people in our association who would be able to do that. I will not be personal and refer to anybody here, but if one of our friends who is up in the Thousand Islands to-day, Andrew Devine, could be induced to contribute to the *Times*, or *Sun*, or *Tribune*, or *Herald*, say, a series of enlightening articles on the subject, I think they might

considerably change the attitude of the public with reference to us. We have shorthand magazines enough, but of course we all know that the general public does not read those publications. They have difficulty in getting enough subscribers among the shorthand fraternity throughout the country to keep them running. I know of one at least that is more of a typewriter operator's magazine than it is a shorthand magazine, and it is an infirmity in the running of them that they are conducted by amateurs, in a shorthand sense, and not by high-class professional stenographers.

I congratulate Mr. Carroll on his change of attitude within a twelve month. He stated his point more strongly than I would put it: I think it needs a little qualification; but what he has said in substance this morning is along the lines of what I said a year ago at Buffalo in answering what he at that time said on the other side. I am glad to notice that he has been thinking since that time, and has arrived at the conclusion that while a certificate from the New York State Stenographers' Association would be a very creditable thing to hold and hang up, it would not much influence those whom the holder would desire to place on his list of clients.

Mr. REQUA: Mr. President, it seems to me that the subject under discussion is based to some extent on the presupposition that the stenographic fraternity is under some real or imaginary ban. I do not understand such to be the case. I cannot conceive of it so being. It seems to me that a man who understands his business in this line, as in any other, has not the time to worry about his status, and if he is a competent man there is no occasion for him to worry about it. I think it is all summed up in the little couplet:

**"Honor and shame from no condition rise;
Act well your part; there all the honor lies."**

Mr. BEALE: Mr. President, I did not intend to say anything on this paper, but I have been drawn into it by what I have heard. It seems to me that Mr. Carroll has, with his accustomed acumen and brilliancy of diction, stated the opinions which he holds in regard to the matter; but he has perhaps looked upon it from only one point of view. He undoubtedly is in a position where he enjoys the benefits of his professional skill, wide acquaintance and high standing, and perhaps he has not suffered from any of the conditions which Mr. Head has depicted. On the other hand, I think there is little question but that, allowing everything possible, conceding everything in line with his argument, there is a general feeling on the part of the public that "all stenographers look alike." At that time reporters were few, and the lawyers'

stenographers look alike. The fact is that any one who does not know the requirements of high-grade shorthand work, the requirements of an official reporter or competent *verbatim* reporter, has no idea of the training and necessary preparation for the work or the distinction between the different grades of shorthand writers. Unquestionably forty or fifty years ago there was an entirely different view on the subject. At that time reporters were few, and the office stenographer and amanuensis were practically unknown. The man who was able by the use of shorthand to make a livelihood was a man of skill and ability, and considered as such by the community, but the thousands and hundreds of thousands of shorthand writers to-day who are able to write fifty, sixty or seventy words a minute, and perhaps earn five or six dollars a week, have educated the public in the wrong direction. The average lawyer, at least so far as my knowledge extends, has not the opinion of the shorthand writer that Mr. Carroll would have us infer. There is no question but that the successful lawyer looks upon the average stenographer as merely a business adjunct of rather inferior grade. I think that in the average lawyer's office the stenographer, even though he be competent to go into court and take testimony for his employer, is considered as at least one grade below the law clerk who is just starting his studies. One of the most learned men at the Massachusetts bar, in talking with one of our officials not long ago, said that he considered it was only a question of a few years when there would be no inducement for young men to take up the study of shorthand. He expressed it something like this: You know it is only a mechanical occupation; any girl can do it, and she will do it a great deal cheaper. No one could conscientiously advise a young man to take up shorthand. He had probably used shorthand writers as much as any member of the bar, and after twenty years at least of having his cases reported and employing the use of professional stenographers he had either come to that opinion, or having had it, had not changed it.

I think the point about comparison made between our profession and that of the lawyer, and impliedly of other professions, is not well taken. The lawyer, the doctor and the clergyman are considered and acknowledged to be members of the learned professions. It is not so with us. There has been an effort for a great many years by organizations of this nature to educate the public to believe that we are members of a profession. It does not seem that we have accomplished much. Perhaps we have misdirected our efforts. But certainly if we do not speak for ourselves no one else is going to speak for us. Possibly after we are dead, if we have done our work well, we may have some brief remembrance for and recognition of what we have accomplished; but we

need it now while we are alive. We do not wish to wait for posthumous fame or appreciation. I think Mr. Head's suggestions, while possibly some of them may be a little sanguine and perhaps difficult to carry out, in the main are just what every stenographers' association should take up and try to do. I think no harm can possibly be done by giving the public an intelligent understanding of the nature of our work and the requirements necessary to do it. I think it would be absurd for us simply to pose as braggarts and rehearse the great deeds we do at our desks in the court room; but, on the other hand, when we allow the public to distinguish no difference between the six-dollar-a-week stenographer in a lawyer's office and the man capable of earning three to five thousand dollars a year by *verbatim* reporting, I think we ourselves are to blame for it. I do not think the public is to be blamed when we do not show them the difference. A few who come in contact with us closely and who have the power of discrimination may appreciate, as Mr. Carroll says, the nature of our work; but it is not so with the general public, and when members of our own guild say to the public, as they frequently do, that they would not advise people to learn shorthand, that there is nothing in it, that it is mere drudgery, mere mechanical work,—and some of our foremost reporters have said it, and have said it in meetings of the Association,—I think something should be said on the other side. Certainly it is worth the effort to try to give people a different opinion of our calling, and I have only to recommend the careful consideration of Mr. Head's paper and the adoption of some, if not all, of the suggestions he has made.

Mr. SAMMIS: I rise again, not because I think you want to hear what I want to say, but I want to say it. As an apology for speaking again, I wish to say that I spent a great part of last evening in the company of Mr. McLoughlin, and I am to-day suffering from "McLoughlinism," and feel that I must talk. A little incident which will probably throw some light on the various phases of this question occurred a short time ago. Being stamped with youth and innocence, I run across a good many things which throw light on how the lawyer looks upon the stenographers as a class and as individuals. A call came to our office from a young New York attorney for Mr. Ormsby to report an argument. Mr. Ormsby being out, I took his place. When I went into the attorney's office he said: "Young man, young man, are you an expert?" "Well," I says, "I am fairly so; I guess I can do what you want." He said, "I want an argument reported." I says, "Well, I guess I can do it." He then said, "Well, are you an expert?" I replied, "My opinion is I am, but I do not know what you think about it." He finally consented to

take me along, and on the way over to Brooklyn he spoke very highly of Mr. Ormsby, showing that as an individual he looked upon that stenographer as a man who was his equal, but he looked upon me as a young man and a stenographer. I said nothing about his allusion to my youth until we were well across the bridge, and he found I was a Brooklynite, and told me who he had married over there the previous year, people I had known of. I said, "Why, you are only a youngster; I was married quite a number of years before you." He said, "You don't mean to tell me *you* are married." I said, "Why, I am married and have a boy seven years old." "Well," he said, "I never thought that: I thought you were just a boy; I apologize to you for calling you a young man," and from that onward he treated me the same way I think he would have treated Mr. Ormsby. The fact that I was a stenographer was not what operated against me; it was a matter of individuality. But I think that this is a question we can safely leave to time to correct, after the enlightenment I received from the remarks of the member from the stock exchange. We evidently have two of our number who can talk at an interval of one year later on the reverse side of a subject with great eloquence, and I think that the public cannot long withstand such men.

MR. WAT. L. ORMSBY: Mr. President, I think where people conceive a low standard of our profession it is the result of individual acquaintance with members of the profession, and that the way we should aim to become more respected is to turn our attention to the new members coming into the profession, and by the aid of the good civil service law that we have be assured that the men who come in are competent to do the work. Whether they will faithfully perform it or not afterward is to be seen. I would like to say one thing more, and that is Mr. Head said the least important thing is a man's ability to write rapidly. For a stenographer I think that is the most important.

MR. CARROLL: Mr. President, I do admire my friend Mr. Bishop's ability to felicitate himself upon a fiction. A year ago we were discussing from the purely practical standpoint the question of the business income which might accrue to us from a stenographic trust, or monopoly, as you may like to term it; at any rate a merger. To-day we are considering it from that standpoint and the additional standpoint of the public esteem; in other words, the regard with which the community in which we live hold us. Largely a social standpoint. My position is identical with that of a year ago. I do not take pride in consistency, because whenever I want to be inconsistent, (and I reserve to myself that privilege quite frequently,) I remember the words of Emerson,

that "inconsistency is the bugbear of little minds," and when I am inconsistent I felicitate myself and say, "Edward, you have not got a little mind." But, unfortunately, I cannot felicitate myself in that way to-day, because I feel that I am consistent. Looking at it from the same practical standpoint that I did a year ago, my position is identical. Looking at it from the social aspect, or the aspect of the general esteem of the community, I feel that such a proceeding as has been proposed would be entirely out of place; that a man's position is made, not by what he says of his profession or calling, but by what the public think of it, and the value it is to the life of the community.

Mr. BISHOP: If I may say one word; I suppose I am mistaken, but I have always found that a man's ability to get the money out of the public depended somewhat on the estimation in which the public held him. If I am wrong, and Mr. Carroll is right, then there is no inconsistency; but if I am right it seems to me the questions are pretty completely and closely tied up together, and the stenographer who stands high with the legal fraternity in every way can command better pay than the less favored one.

Mr. HEAD: Mr. President, I think perhaps I should apologize to this Association for not making myself clear. When I was asked to prepare a paper to occupy only five minutes, of course it placed me under some constraint. Mr. Carroll's argument seems to be largely based upon the assumption that my paper contained some stricture upon the social standing of stenographers. Now if it did it was entirely unintentional on my part. The question which I intended to discuss was as to the qualifications of stenographers and the failure of the public to discriminate between the qualifications required to enter a law office or merchant's office and take dictation of letters at the rate of forty or fifty words a minute, and the ability necessary to enter a convention or a court or legislative hall and make a *verbatim* report and properly transcribe and revise it as a *verbatim* reporter should. I am still unconvinced that the public have a correct appreciation of the difference between the two classes of people who call themselves stenographers, and I am unconvinced that even all judges and lawyers have such appreciation. It is very true that there are some lawyers who fully appreciate what it is to be a *verbatim* reporter, a professional reporter. There are some judges, and perhaps the majority of the more eminent lawyers, who do appreciate those things, but there are those who do not, and a good many, too.

Within the past year I happened in a court other than my own, and no stenographer being present, some one said, "We ought to have a stenographer to report this case." The judge said, "Is

there a stenographer in the room?" and some one indicated a young man whom I happened to know, and one I would not employ even as an amanuensis. The judge said, "Let him be sworn," and that young man was sworn and sat down to report a case where important issues were involved. Now that demonstrated to my mind that neither the judge nor the attorneys employed in that case had any appreciation of what a real stenographer was. The mere fact that that young man had chosen to label himself a stenographer was sufficient to secure for him the appointment to report the case. And my observation is that those are the views held by the general public.

Mr. Carroll says that the standing of every profession depends upon what the public thinks of it. That perhaps is true, but what the public thinks of a profession depends upon the information that the public has of that profession. I may think a certain thing of a certain profession or calling, or of any other matter. I may have an opinion upon a question of science, religion or politics, and I may be entirely wrong, and my erroneous opinion may be based upon the incorrect information that I have. Now the only point I intended to make in my paper was that we should furnish the public with correct information, and then the public will form a proper opinion. Suppose that a certain class of the legal profession should continually belittle their own profession, and should say to the public that lawyers were rascals and were dishonest, etc., and the public from that information that they received from a certain class of the profession should form the general opinion that all lawyers were dishonest and dishonorable, there is no question but that the opinion held by the public under such circumstances would be incorrect, and it seems to me that it would be very proper for the members of the legal profession who have a high standing and who are honorable and upright men to try and correct that impression by information on the subject.

All I intended to say in my paper was that the public at large regards all stenographers alike. A girl who has attended a shorthand school and studied shorthand three or six months and obtained a diploma is a stenographer; the man whose hair has grown gray in the profession of *verbatim* reporting, and who stands at the very top of the profession, is a stenographer. While there is a class, a large class, perhaps, of the general public that appreciates the difference, there is a larger class that does not appreciate the difference, and that erroneous view is fostered, as we all know, by people who are interested in fostering it by spreading the idea throughout the country that all that is necessary to make a stenographer is to get a stenographic primer and

go to a shorthand school a few weeks or a few months and they are stenographers. And it is not always necessary to go a few weeks or a few months. I have one book, published in Boston, that claims to be able to make a stenographer in an hour. I do not know whether it proposes to make a *verbatim* reporter in that time or not. Mr. Beale might enlighten us on that. I have the book in my collection, and I saw the same book in Mr. Beale's collection. It is entitled "Lightning Stenography. Only one hour required to master the subject."

This is the kind of information which a large part of the general public has in regard to shorthand reporting. No one can form a correct opinion of any subject upon incorrect information, and if we expect the general public to judge our profession fairly we must furnish them with truthful and accurate information concerning it. I fail to see how it is undignified for us to try to correct the gross ignorance of the general public in regard to the profession of shorthand reporting. Is it undignified for us to tell the truth? Is it undignified for us to try to give the general public some true and correct idea of what it means to be a *verbatim* reporter? On the contrary, I believe that it is a highly proper and necessary thing to do. I have not in any way discussed, or even referred to the social status either of stenographers as individuals, or of the profession at large. My paper simply discussed as a business matter certain business conditions, the existence of which is admitted by everybody. I believe that this matter is not only one of the most important, but that it is absolutely the most important question which confronts our profession to-day, and on its proper solution depends more than anything else the future of the profession of shorthand writing and of every individual engaged in the profession. Mr. Carroll seems to have entirely misapprehended the scope of the paper, and the proposition which he has been arguing against is not contained in my paper at all. He says that "men who are deserving of respect, esteem and friendship, receive them." I agree with him, but that is a matter entirely outside of this discussion. I well remember the meeting of 1898, when Mr. Carroll came to Albany at the head of a delegation of the New York City Association to urge the State Association to co-operate with them in an endeavor to correct the very evils which I have mentioned in my paper, and I remember the splendid and forcible speech which he then made in favor of a license law. Among other things he said: "Our present business and status are not satisfactory, and while we cannot hope to make them wholly so, it is our duty as individuals and as an association to do what we can in that direction." Have these conditions changed for the better since then? On the contrary, the opposite is true. If it

was our duty then to do everything in our power to remedy those conditions, why is it undignified for us to try to remedy them now? The method suggested and urged by Mr. Carroll in 1898, and at subsequent times and places, to-wit, a license law, is the same method advocated in my paper, and was also advocated in a paper read by me before this Association at Albany in 1898. I did not believe then that such a law could be passed until the public at large came to understand more fully and correctly what it means to be a *verbatim* reporter, and subsequent events have confirmed that opinion. I have therefore suggested certain other work which must be done as a preliminary to a license law. The language used by Mr. Carroll at that time in describing the unsatisfactory condition of our profession was certainly as strong as that used in my present paper, and in some parts it is almost identical. He described these conditions more at length than I was able to do in the limited time allotted to my paper, and he urged the necessity and duty of stenographers doing everything in their power to correct these "unsatisfactory conditions." These "unsatisfactory conditions" have not improved since then, and the necessity for seeking and applying a remedy is more urgent to-day than ever before. No one knows this better than Mr. Carroll, and I am therefore constrained to believe that, probably through some fault of mine, he has entirely failed to understand the paper which I have just read.

MR. PATRICK J. SWEENEY: Mr. President, I believe Mr. Head made a very important point in regard to misinformation scattered abroad as to the time required to thoroughly master shorthand. There is a lot of missionary work to be done by the State Association, the National Association, and similar organizations. They can do the work because they can get authoritative information upon the subject. If Mr. Bishop's suggestion were to be carried out and a series of articles were to be written by Mr. Andrew Devine — the articles to be accompanied by a statement as to Mr. Devine's ability and experience — I am sure they would be read with great interest and would be of incalculable benefit.

There are many people in the United States who do not know what shorthand is. Ignorance on the part of the public enables schools and colleges to do business at ridiculously low prices without giving ample return for time and money spent, and this ignorance helps the sale of books promising to teach shorthand in an hour.

Very little can be accomplished through the shorthand publications because, as Mr. Bishop has stated, they are read only by the shorthand students and shorthand writers. The people we want to reach are those who know nothing about shorthand. The reason that a student goes to the cheap school is because the

parent or guardian does not know the difference between the cheap school and the thoroughly equipped, higher-priced school. If we start right by educating the public (and by the public I mean the parents and guardians) we will get the students started right. It is too late after the student has spent a lot of time and money and has gotten wrong notions; then it becomes a matter of re-educating him, and it requires something along the line of a miracle to do that.

Mr. DEMMING: Would it not be a good plan to have an article prepared by some leading member of one of the associations, and have that article sent to one of the leading magazines instead of a daily paper? I believe it would have more weight with the public generally than an article confined to one of the leading dailies. What is read in a daily paper is frequently forgotten the next day. What appears in a standard weekly or monthly publication would have more weight and be more lasting, I believe.

Mr. CARROLL: Apropos of what Col. Demming has just said, I read a very interesting article some eighteen months ago in the *Forum*, contributed by a Mr. Orr, I think. He had been a professional stenographer for a great many years, and while not a law stenographer, I believe he wrote as a man who knew. He gives a very just estimate of the conditions which prevail in the stenographic profession and the skill required of a stenographer. The stenographer who exploits himself or his profession must not complain if he is placed in the same category as others who do the same in relation to their calling or business. I do not think it is good form and I do not think that we admire people particularly who exploit either themselves or their calling. I think it is undignified. I think it is beneath a serious profession, and I consider our profession a serious one. I do not think that we would put ourselves in a dignified position by complaining that the public had not appreciated us and does not appreciate us. If we feel that they do not, I think we ought to bear it with dignified silence and not complain about it. I have never known of any discrimination being exercised against any friends of mine because they were stenographers. They were considered without reference to their calling so long as their calling was an honorable one. America of all countries is freest in that respect. It matters not if a millionaire began as a butcher if he is only a big enough butcher to be a millionaire, and if he manages to establish a beef trust he is the whole thing. Now I am afraid that the value of a man's position in the community is too often gauged by his pecuniary ability. I hold that such a valuation, while generally and perhaps to some extent fair, is not always the true value. The men who contribute most to human thought and

human knowledge are the men who, as a general rule, have received comparatively little of the pecuniary rewards in life, but their appreciation came not in dollars and cents; it came in a higher reward than that. Those men had to be philosophers enough, they had to have the keen sight to see that their remuneration was not vulgarly expressed in either pounds, shillings and pence or in dollars: they had to realize the worth and be content with the esteem which they commanded.

MR. BEALE: Mr. President, if I may be permitted to say a word I think Mr. Carroll in his argument is all right from one stand point, but I think also that he fails to see entirely what Mr. Head means. I, too, may have a wrong view, but as I understand it we do not aim to get recognition for ourselves. The purpose in carrying out such plans as Mr. Head suggests is to throw safeguards around the profession and to aid the public as much as ourselves to a just appreciation of what shorthand is. Take the medical profession, for instance; we have an alleged expert come on the stand; he gives his testimony clearly and strongly for the plaintiff, and the counsel for the defense commences to cross-examine him. He asks him first: "Are you a member (for instance) of the Massachusetts Medical Society? No. Are you a member of the American Medical Society? No." And after a little cross-questioning perhaps he finds that is not a member of any of the recognized medical associations. How much weight does his evidence have in the minds of a jury after an intelligent counsel on the other side has elicited such information as that from him and has argued upon it? A man must have a standing in his profession. That is the first point. But beyond that the public must know it, and they can know it only from the information that they can get, and largely from the profession itself. It is absurd for us in many respects to compare our profession with any other. The layman, if we may call the man who does not write shorthand a layman, knows nothing about shorthand. With a doctor or a lawyer it is different. The public can see the palpable distinction between the successful and the unsuccessful attorney; they cannot tell which one of those two gentlemen industriously scribbling "pothooks" is "getting it all." The public can see the graveyards populated with the results of the malpractitioner, but they do not see the shorthand graveyards; they are kept out of sight. Few men have a memory which would enable them, upon reading over a stenographic report, to identify absolutely either the omission of some important question and answer or the interpolation of something which ought not to be there, or the misrepresentation of something else. Of course, the man who is taking notes in longhand will have a fair idea, the lawyer's clerk will have a fair idea of the principal and important

things that come up, but if it comes to a question between the stenographer and the lawyer's clerk the stenographer usually and quite properly gets the benefit of the doubt. The mere fact that there is really no way of estimating accurately the ability of the stenographer except from his own standpoint (unless it be by another stenographer with the deadly "check-notes") makes it of great importance that we should educate those who are entering the profession to a better understanding of it, so they may not take it up with the idea, as they frequently do, that by an expenditure of thirty or forty dollars and three or four months' time they will be enabled to come right into the court room and compete with those who have spent years there. As a matter of fact, there is more trouble from the teacher who wilfully misrepresents the difficulty or ease of acquiring shorthand and thereby misleads the public, who, if they see anything in print, always think it must be so, than there is from almost any other condition that confronts us. We have in Boston a man who, within the past few months, has come from New York, who advertises himself as "the leading court reporter of the world," — a modest claim! He conducts the "largest shorthand, typewriting and reporting office in the world." He advertises that any pupil who will come to him will be able to raise his speed from one hundred to two hundred words a minute in two or three weeks. He guarantees that. He also advertises that those who come to his "emporium of shorthand" can earn enough by doing professional work while they are there to defray the expense of their tuition. As a matter of fact, he has been there only two or three months, yet his offices are simply crowded with would-be shorthand reporters. Some of them are intelligent people, people who ought to know better, but they have had no way of knowing better.

It is very seldom we see anything published in the papers in regard to shorthand as a profession or the difficulty in acquiring it, while on the other hand we see now and then that Miss Sue Brown has graduated from Ketcham & Cheatem's business college and has taken a position at \$40 a week with So and So. As a matter of fact it should probably be \$4.00 a week. All the information that the public really has emanates from the enterprising proprietors of these shorthand "joints," and their only purpose is to get the money from the victims and give them enough shorthand so that they may possibly get a very inferior position. The deliberations of associations like this seldom reach the public eye. I do not believe the New York *Tribune*, for instance, is going to devote a column to-morrow to Mr. Carroll's speech and then print mine after it. These matters are not considered of general interest, and never get to the eye of the public at all; but the columns of all our newspapers are filled with

advertisements of shorthand schools which often mislead people and give them entirely wrong impressions.

When we have intelligent people come to us in a court room and say, "Well, how do you like shorthand? Does it pay you? Is it a good profession? My daughter is studying it up here at So and So's business college, and I suppose in the fall she will start in at court reporting," it is of course very pleasing to us to feel that we shall have such valuable co-operation in our professional work. I say we ought to do something to make the public understand the requirements that are necessary in our work. I do not think that the conditions that confront us are at all the same as in other professions. I do not think it is self-praise or an effort to exploit ourselves in the least to try to acquaint the public with the real facts in the case. There is no necessity of saying that Mr. Carroll and Mr. Beale are the two most expert reporters in the country and that they make \$10,000 a year apiece. That would be an absurd thing to say or do. We do not intend to do anything of the kind.

I venture to say the American Bar Association (now meeting under this roof,) if there were such abuses of the legal profession, would not hesitate at all to attempt to regulate them in some way. They have reached a stage where they do not need to. We have not reached that stage yet; in fact, we seem to be retrograding. Mr. Carroll looks upon it from a metropolitan standpoint; but we are perhaps "countrymen," and we come here with different conditions. This discussion after all reminds me very much of the old story of the shield that hung at the crossroads and the two mail-clad knights who were approaching it from different directions. They paused to greet each other, the shield still between them. One pointed to it and said, "What a beautiful golden shield." "Nay," says the other, "What a masterpiece of silver." They immediately commenced a spirited combat, and after they had wounded each other seriously, they happened in the fierce onslaught to pass each other, and upon turning around they found each was right; it was gold on one side and silver on the other. So with this question. There are two sides to it, but while one side is a golden side, as Mr. Carroll has eloquently depicted it, the other side is not even silver. I think it is well worth while for us to discuss such questions as Mr. Head has propounded.

MR. H. S. VAN DEMARK: Mr. President, I at one time thought I agreed with Mr. Head when he finished his paper; then I thought I agreed with Mr. Carroll when he completed his remarks. Now I think that Mr. Head and Mr. Carroll agree with each other, and that there is no marked difference in their positions. There may be, perhaps, a slight misconception on the part of Mr. Car-

roll as to the exact purpose of Mr. Head's paper. Mr. Carroll opposes any vainglorious praise of our own ability as court reporters, and all that sort of thing. Mr. Head's aim is to draw a strong line of demarkation between the men who are doing that sort of work and those who are turned out by the various colleges and schools and who are also called stenographers. The education of the public, which Mr. Head aims at, is that education which will bring about in the minds of the public a distinction between those people and those who practice the profession we do, and allowing the public to draw that inference after having shown them the stenographers, so-called, that are ground out by the various colleges are not the class of stenographers that are doing court work. Therefore, I say there is no great difference between the positions of the two gentlemen. It is simply at which end you start. Mr. Head says start by educating the people to the fact that the output of these colleges and schools are not court reporters or *verbatim* reporters. I think it is very meritorious. I think it ought to be done, and some method ought to be adopted by which it can be brought to the public's notice. But stop there. Don't go on to show what great people we are who are on the other side of the line.

MR. CARROLL: Mr. President, just one word more. I have failed to find as a rule that stenographers were so modest and so reticent that they avoided opportunities of insisting on differentiating between the three months' graduate and the expert reporter. I think they may be trusted to inform the public on that subject themselves.

MR. BISHOP: Mr. President, I merely rise to say that Mr. Carroll does not yet quite appreciate that Mr. Head in his paper does not make any reference to the social standing of the stenographer, or the manner in which, when a lawyer meets him on the street or elsewhere, he will address him or behave towards him. That was not the point. A very funny thing occurred in New York many years ago. There was a law firm named Yard & Furlong: I am told one was tall and the other short. You have probably heard of the firm, and you probably also know our old friend O'Dowd, a very old stenographer in New York. O'Dowd told me he was walking down Broadway one day, for a half a block or so, with, I think, the shorter one of the two. I understood from Mr. O'Dowd, as he related the incident to me with much Hibernian art, that he thought the lawyer, from his manner, rather looked down on him, in a figurative sense, though literally he was the shorter man, and he felt sure of it when the lawyer finally told him, in substance, that he was not ashamed to be seen on the street with him, to which Mr. O'Dowd responded to the effect that he felt he could stand it to be seen with a lawyer of his stand-

ing: that perhaps the honors were easy. I wish I could tell it as O'Dowd did. It is not that phase of the question that Mr. Head touches on at all. It is the appreciation on the part of the people and the general public of the ability and skill required and exhibited in doing professional *verbatim* reporting: the fostering and cultivating of such an appreciation as will enable them to understand it. I think we all agree that the best method of securing that result may be involved in some uncertainty, but that was the point.

The PRESIDENT: Without indulging in the formality of leaving the chair, I feel that I cannot allow the consideration of this most admirable paper of Mr. Head to pass without saying a word. Certainly, as I understood it, it was not an appeal for a recognition of ability, but rather an appeal for education. Mr. Head threw out a most valuable suggestion to this Association when he suggested the preparation of a pamphlet designed for the information of the public, with whom we deal, as to what can and cannot be done by stenographers. I should certainly like to see some action taken on that paper.

If there is no further discussion we will take up the next paper, which I think would fit in very well here, and that is a paper which has been prepared by Mr. Van Demark on the subject of "Price versus Competency."

Mr. VAN DEMARK read the same, as follows:

PRICE VS. COMPETENCY.

BY HARRY S. VAN DEMARK, OF NEW YORK.

IS the time coming when the sole consideration governing the employment of stenographic services will be the *price* at which they can be obtained?

While the foregoing query is not of particular interest to those occupying, after proper examination and certification, official positions in the various courts of this state, where the emoluments by way of salary and fees are fixed by statute, it is of very great importance to those who are engaged in the general practice of the profession outside of the courts.

The question is prompted and becomes pertinent by reason of the fact that quite recently, in the city of New York, the head of the law department has, in two instances, solicited bids for the stenographic work involved in reporting the proceedings before commissioners of estimate and assessment in the condemnation of private lands for public purposes, without any specification as to what degree of competency shall be possessed by the successful bidder, and has attempted in court to use the lowest bid thus obtained, although not accepted by him as the standard by which

stenographic fees should be measured in an effort to cut down a bill rendered at the usual and customary rates. While this official states that he does not consider himself "obliged to employ the lowest bidder," and "expressly reserves the right to employ any person" whom *he* deems "best fitted to render the services required," yet the measure by which that fitness is to be determined is not stated, and no request is made that credentials of any character as to ability be furnished for his guidance in making the selection.

Under the conditions set forth, has a competent stenographer any assurance whatever that the person employed, who may underbid him, will possess those qualifications which entitle him to compete for the work? In the employment of a lawyer, is the fee, which he asks the sole measure of his ability, or should it be in the employment of a stenographer?

In order that fair competition can be secured in soliciting bids upon work of this character, admitting that, by reason of the very large amount of work involved in the two instances before referred to, the services should be rendered to the city at the lowest price consistent with their proper performance, some standard of efficiency should be recognized as limiting the number of those eligible to bid upon this work, involving, as it does, for its execution, the same high grade of ability as that required in regular court work.

Such a standard should be, for instance, the existing civil service lists, and no bid should be considered unless made by one who has obtained the percentage of efficiency required to make him eligible for an official appointment.

While no material progress has, as yet, been made toward securing, by legislative enactment, the examination and licensing of stenographers engaged in general practice, a very long step in that direction would be taken if the officials of a great city like New York, the employer of expert stenographic services to the extent of many thousands of dollars annually, could be convinced of the necessity for employing in this work only those whose competency to perform the services required has been certified by recognized official examiners.

The best interests of the public at large demand that, whether the rights of parties litigant be tried beneath the gilded dome of justice in the most palatial court room in the land, or in the dingiest law office of the top floor rear on a back street, the stenographic report of that trial should always bear upon its face the evidence, -- not that it is the best to be had for the price, but that it is the best obtainable within the limitations of human fallibility, and that result can never be obtained until the apparent reform method of awarding important stenographic contracts to the lowest bidder is itself reformed by placing reasonable and trained talkers.

fair limitations on the qualifications of bidders and those engaged in the performance of the work.

The PRESIDENT: I think we will here sandwich in a little poem which has been prepared by Mr. John B. Carey, of Brooklyn, and I have asked Mr. Loewenstein to read it. It is entitled "The Man Behind the Pencil," and is in reply to the poem, "The Man Behind the Pen," presented by Mr. Requa last year.

Mr. LOEWENSTEIN read the same, as follows:

THE FELLOW BEHIND THE PENCIL.

BY JOHN B. CAREY, OF BROOKLYN.

DURING the pendency of a trial in the supreme court in Brooklyn, N. Y., a few weeks since, a witness unravelled the following yarn:

"In 1892, and subsequent years, I was treasurer of a corporation in New York, in the employment of which was a stenographer assigned to my special service, like other New York stenographers, an expert. There were some singular things about the case." "For instance, what?" said a hearer. "Well," resumed the other, "every business morning before cleaning the machine the office boy was sent for three papers of chewing tobacco, and during working hours the weed was always within convenient reach of the stenographer while copy was being 'whacked out.' I thought it rather a strange case in" —

"Why," replied the matter of fact listener, "I do not see anything particularly startling in that — of course, three packages of chewing tobacco consumed in one day is decidedly abnormal, if not offensive to a wholesale degree and would not be tolerated in a well-regulated office — but it is only another proof of my contention as to the superiority of the lady amanuensis, even in the matter of personal cleanliness" —

"Pardon me," interrupted the other, "I am not quite through. That stenographer occupied a desk within four feet of mine every business day for several years; at the luncheon hour we dropped into Stewart's, where I took a light beer, my stenographic friend invariably, with clock-like — no, with gas-meter-like — regularity ordering a twenty-five-cent nip of the very best cognac and putting it where it would do most good — or harm. I thought it a decidedly strange case for" —

The solitary auditor, unmoved by the recital, broke in, "Well, a consumption of liquor so much above the normal might unfit most stenographers for business, still it is not so unheard of, and I suppose a person could get used to such a thing; that is but another and most conclusive argument, if any were needed, of the desirability of employing women in offices, who would never stoop to such filthy and disgusting practices" —

"Pardon me again," interrupted the narrator, "I was about to add the fact of the matter is that after four years working in close proximity to that stenographer by the merest accident I discovered, positively and conclusively, *that the person was a woman!* and he—she is now with a leading insurance company on Broadway. Is it possible that your strenuous insistence about the desirability of female"—

At this point the listener discovered that he had important business requiring his personal attention in another part of the court room.

JOHN B. CAREY.

The above we can vouch for: names and dates have been furnished, "not necessarily for publication, but as a guarantee of good faith." [Ed. *The Stenographer*.]

She was an excellent stenographer and never used a pen, which reminds us of "The Fellow Behind the Pencil."

I.

We have heard about the gunner,
And the man behind the pen,
But a fellow comes a-swinging down the strand;
He has neither gun nor pen,
But we'll back him with a ten;
He's the fellow with the pencil in his hand.

II.

Unsuccessful as a gunner,
You may venture he's a "stunner,"
When he gets the verbal message to indite;
While he breaks the shading rule
With the rough and ruder tool,
His words are always lead on to the right.

III.

In trim and always ready,
With nerves both true and steady,
Not scratching like a silly, hungry hen;
When there's scarcely time to think,
He's not groping for the ink,
Like the dipsomaniac wielder of the pen.

IV.

Unloaded with black fluid,
To preserve the verbal feud,
His only point to keep right on the line;
With the pencil in his fist
He can give them all a twist,
When the rush of words sends chills adown the spine.

V.

Like the veteran of the war,
Who bears the honored scar
Of sturdy, manful struggle, we insist,
He's a pen-shuner by will,
Aye! a gentleman of skill,
Is the fellow with the pencil in his fist.

VI.

Now the pen, as history tells us,
Is not ever "in excelsis,"
Unlike the simple tool of blunter end,
Galileo and Columbus,
The world's great brainy "jumbos,"
When imprisoned for the truth were always "penned."

VII.

But we see on history's pages,
 With the writings of the sages,
 Philanthropists, and men of noble fame,
 The benign and clean-cut features
 Of those who loved God's creatures,
 Are "pencilled" on the honored scroll of fame.

VIII.

What we cannot understand
 Is that throughout this blessed land
 There are so many sober, wise and thoughtful men,
 Who so willingly admit,
 While they know the pencil's "it,"
 That, like pigs, they have a fondness for the pen!

The PRESIDENT: I will now call upon Col. Henry C. Demming for his paper, entitled "Stenographers in United States Courts." It is a subject upon which the National Association has been working very hard for the last two years, and is one which I am sure will be of great interest to the members of this Association.

Mr. DEMMING read the same, as follows:

OFFICIAL STENOGRAPHERS IN UNITED STATES COURTS.

BY COL. H. C. DEMMING, OF HARRISBURG, PA.

DURING the past three or four years there has been more or less attention paid by congress to the subject of official shorthand reporters in the various United States courts. The United States senate nearly three years ago went so far as to pass a bill making provision for official court stenographers; but so much opposition was made to the measure, and even by professional stenographers, that the bill failed of action in the national house of representatives. Then an effort was made to have passed a modified act; but so many other modified bills were introduced in one branch of congress or the other, that all failed of final passage in either body. Additional efforts were put forth at the last session of congress, with no better result.

Last winter a bill was carefully drawn by a committee of the National Shorthand Reporters' Association, and a copy introduced in each house; but nothing was done further than reference to the appropriate standing committees. Before the close of the session three more bills were introduced by other interested parties, none of which passed the stage of reference to committee; and though numerous attempts were made to have at least one of the bills reach the president for his signature, obstacles were continually encountered down to the day of adjournment.

It is evident now, however, that congress will soon take up the subject in earnest, and that there will be on the statute books a stenographic reporter law. If professional reporters everywhere in the United States will unite on some bill there is little doubt that it will be passed practically as they desire it, — provided all

work together to a common end. Stenographers in every congressional district in the union can bring such influence to bear on their own particular senators and representatives as to lead them not only to vote for, but to personally advocate a fair measure.

Now, what would be a fair law? That is the very important question from the stenographer's standpoint as well as that of the general public. If judicial districts were all alike the problem would be very simple. With ten hard working months in one district, and less than two months in another, trouble arises as to annual salary; and some think the only solution is through a *per diem* basis for attendance, — the price for transcripts to be practically uniform. One bill introduced last winter divided the districts into classes, — the first class districts to have 500,000 population or over, the second class 250,000 to 500,000, the third class less, and so on down to districts of less than 50,000 residents. How such a classification would work practically and satisfactorily is very doubtful. Possibly the happy solution will be by salary in the most populous districts, and by the *per diem* plan in those sparsely settled. Then there is the question of mileage in districts made up of circuits. But that can be more readily adjusted than some other subjects.

Then the matter of making the official stenographer the private secretary of the judge, and the reporter supplying transcripts to the court or the United States attorney without any charge. The first proposition can be overcome by allowing the judge to have his private stenographic secretary, as now provided: but the second is not so easily disposed of. On that there will have to be an emphatic protest, if insisted upon, and by reporters everywhere.

The insertion of harmful amendments during the stages of legislation will also have to be guarded against; and that can be done best, perhaps, by general agreement of professional stenographers everywhere to unite on one bill, and one bill only, and then urge their own senators and representatives to object to any amendment whatsoever at any time. When the leading stenographers throughout the country can so unanimously agree, then we can have a United States law which will be entirely satisfactory, and not before.

Mr. WAT. L. ORMSBY: I would like to inquire of Mr. Demming whether it would not be practicable to appoint a stenographer to each judge. While the districts vary widely, of course, throughout the country, I have noticed where a couple of circuits and two or three district courts are in session in New York there is a Vermont judge or a Pennsylvania judge presiding, and it occurred to me possibly the solution of the whole matter might be in having each judge appoint a stenographer, say wherever he held.

Mr. LOEWENSTEIN: I learned some time ago that Judge Wallace, of our circuit, is allowed the sum of \$800 for a private secretary, and he employs a stenographer for that purpose.

Mr. BISHOP: Judge Wallace is a circuit judge in our district. The district attorney's office in New York has an arrangement with one of the stenographers in New York, who was a member of this Association and is still, I believe, by which the amanuensis work of the district attorney's office is done, which includes taking notes and furnishing transcripts in cases in the United States courts in which the United States is a party. It is a double arrangement; that is, the arrangement of \$800 is merely provided for Judge Wallace, and this other is over and above that. This gentleman takes notes for the district attorney in cases in which the United States is a party. Of course he furnishes copies, I suppose, to the other side.

The PRESIDENT: I might add as a matter of information, in addition to the official appointed by the district attorney in the southern district of New York the judges themselves have assumed the power of appointing a semi-official reporter. In the southern district the work is done by two sets of stenographers, one appointed by the district attorney, who receives a salary of \$4,000 a year, who covers the cases in the different courts in which the district attorney is counsel, and the other a firm of two stenographers (formerly it was three) who are given a sort of official recognition by the judges of the circuit court, and who cover the trial parts of that court. They rely entirely for their remuneration on the usual accepted fee of twenty-five cents per folio from all who wish transcripts made. I believe they do assume to make a charge of ten cents a folio to the litigants who appear in the court for taking the notes, under the direction of the court. Of course that could not stand if people did not want to pay it. Outside of the circuit court there is also another stenographer appointed in the same way by the judge of the district court, and that stenographer, a lady, also acts in the eastern district of New York in the district court, and I believe in the circuit court of that district, too.

Mr. HENRY C. DEMMING: Mr. President, when the bill is passed increasing the salaries of the judges in the various United States courts then we may look for a bill to be introduced and passed by both houses of congress providing for official stenographers in United States courts.

Mr. WAT. L. ORMSBY: Which will give New York how many?

Mr. DEMMING: I am unable to say.

The PRESIDENT: A stenographer for each part, practically.

Mr. DEMMING: Now it is for the stenographers of the country to try and agree upon some bill before that takes place, and if we can agree with practical unanimity I am satisfied that the lawmakers of both houses of congress will join with us; but unless that is done they will take the matter up and pass a bill that will suit themselves, regardless of the wishes of the stenographers. Several United States senators are determined to have a bill of some kind passed, and the sentiment to that effect is very apparent in the house of representatives, and I hope that before that action is taken the stenographers of the country will agree on something that will be satisfactory to those engaged in the professional work.

The PRESIDENT: Col. Demming has stated the crucial point in the whole thing, and that is it is absolutely necessary for the stenographers themselves first to agree on what they want, and they will stand a great deal better chance if they agree among themselves first and then go to congress than if they go as a divided house. The National Association has the matter in charge, and it has taken energetic steps in the past and it proposes to take energetic steps in the future. It is a subject which more properly comes within the scope of a national association than of a state association, but I feel certain that the members of the State Association will be more than glad to give any assistance they can to help along such a worthy object.

Mr. DEMMING: Before any action is taken I want to reply to the question of Mr. Ormsby in regard to each judge having his own stenographer. That matter I am sure will be carefully considered by the committee on legislation in the National Association before any bill is introduced.

Mr. BISHOP: I wish to move, and I think I will be justified in doing so because we have so many circuits in our own state,—of course we have an eastern, southern, northern and western now,—that a committee of three be appointed by the chair, either the president now or the new president, to co-operate with the committee of the National Association on the subject-matter in question.

Mr. HILL: The president of this Association is a member of the committee on legislation of the National Association.

The PRESIDENT: I think Mr. Bishop's suggestion is a very good one.

Mr. SAMMIS: Mr. President, I would move to amend by reducing the number of that committee to two. From my experience on committees, particularly committees on legislation, I have found that it is much easier to get action by a committee of two than by a committee of three.

The PRESIDENT: I might say right here that committee would be a most valuable aid. Since being appointed one of the committee of the National Association I have talked the matter over with Mr. Beale, and we had arranged a plan of first attempting to crystallize in New York city, (which is really the most important point, because the most of the work is done there,) the sentiment of the stenographers on that bill, and try to unite them on a bill that they would support, and after we had taken those steps and found that the bill was satisfactory to the remaining members of the profession throughout the country, we thought that the next proper step would be to get the judges in line to support the bill and make the bill satisfactory to the judges, and then when we went to congress we would have the united support of the judges as well as the stenographic profession, and I think with that support the bill would have a very favorable chance of success.

Mr. SAMMIS seconded the motion of Mr. Bishop.

Mr. BEALE: Mr. President, if the motion is before the house I would like to say in behalf of the legislative committee of the National Association, of which you, Col. Demming, and I are members, that we should appreciate very much the co-operation of the New York Association in the way of appointing a committee to act with us. It is our earnest desire, as it was last year, to prepare a bill, if it becomes necessary, as it probably will, to redraft our present bill, which will be satisfactory in every way to the leading stenographers of the country. If we satisfy them I think we will satisfy every one. I may say that, as suggested, the most important thing is to have a bill which, while covering all the points of advantage we desire, will prove a satisfactory and logical measure to present to the committee of congress which is to consider the subject. I might also say that the work of the National Association committee last year was conducted entirely, so far as our expenses were concerned, by means of voluntary contributions from members of the profession throughout the country. I believe a number of members of the New York Association contributed, as did leading stenographers everywhere. This year, however, we hardly care to go through the same method of securing funds. It is probable that an appropriation will be made by the executive council of the National Association to help defray the expenses, and speaking, if I may, for the New England Association, I think it is probable at our meeting in November we shall vote to appropriate a sum within our means to donate to the National Association committee for its uses. I merely offer as a suggestion, this being a matter of vital importance to stenographers at large for two reasons, one

of which you know, and the other, which I will explain in a moment, that if it is possible under the constitution of this Association to devote a portion of your funds to such a purpose, it would be well spent, and of course would be under the direction of your own committee. I speak of that because the "sinews of war" are a very important element in our committee work. There is this other point to which I wish to call particular attention. As Col. Demming says, if our bill is not put through some other bill will be put through undoubtedly, or if not, there is still a more serious question coming up, and one which will be harder to meet. The commission appointed by congress for the revision of the United States statutes has already reported, in a voluminous report of many hundred pages, and their revision includes a very obnoxious provision for official stenographers, by which each federal court will have a stenographer who will receive \$1,500 a year salary and receive five cents a folio for transcripts. In addition, the stenographer is to do clerical services gratis for the judge presiding in the district or circuit. It is important for us not only to try to promote our own interests, but also to defeat any such measure as that which may arise, and while it is probable that none of us would accept a position under such an act, yet it is true that there are a great many alleged stenographers who would take anything that had a salary attached of ten dollars a week or upward, regardless of the results. While in time things might work out to our advantage, it would necessarily take a long time for matters to adjust themselves to the new conditions. I know the co-operation of such a committee as now suggested will be of great service to us in our work. We know that the federal court work in the state of New York is of greater importance than in any other section of the country, and if we can have the intelligent co-operation of the New York members we will be very much gratified.

Mr. BISHOP: I think the amendment to change the number of the committee has not been seconded. Therefore I have nothing to say in that connection. I do not accept it. But I want to say it would be very easy to have a connecting link by appointing the president (as he is one of the other committee of the National Association) to be a member of this committee, and it comes to my knowledge that our ex-president on my left, from Binghamton, is intimately acquainted with Mr. Ray, who is chairman of the judiciary committee of the house, and it occurs to me that he would make a very valuable member of that committee, for in addition to plain committee work it is perhaps more important to have somebody who can get personally at a member of the committee, and as Mr. Beach is personally acquainted with the chairman of the judiciary committee in the house he can see him

and talk with him. It seems to me a committee of three should be appointed, which would include the chair.

Mr. HENRY L. BEACH: Mr. President, I think that the main idea, as suggested by Col. Demming, is for the stenographers throughout the country to agree upon a bill which would be satisfactory to them, then their influence could easily be used with the members of the house of representatives and the senators within their district, and better results could be accomplished. I do not want to go on any committee, but any aid that I may be able to furnish through my acquaintance with any congressmen I shall be glad to give. I think all of our members would have some influence when once the measure desired can be agreed upon. That seems to be the most important thing.

Mr. BISHOP: Mr. President, I would like to change my motion in this way, that a committee of three be appointed as contemplated, one member of which shall be the present occupant of the chair, Mr. Ormsby, and that another member of the committee be Mr. Beach, and that the present president appoint the third member. That is my amended motion.

Mr. DEMMING: This matter is of such great importance that it seems very essential to take action wisely at this time. I believe that a committee of three of this Association, the presiding officer of the Association to be one of the members of that committee, will be entirely agreeable to the National Association committee, and I think that one of the members of that committee should come from the same district that Mr. Ray resides in. I know from correspondence with Mr. Ray, and from what I learned through others, that whatever Messrs. Rose and Beach agree upon will be advocated by Mr. Ray.

Now suppose while we are deliberating over this we should allow this matter to go through congress by default on the part of the stenographers, and this bill that has been referred to as in the revised code becomes a law. It is only a question of time when some money-saving member of the legislature of the state of New York will present a bill to be passed through that body on the same lines. He will think that by so doing he will obtain the approval of his constituents for renomination, or if not, sent to congress. Now if you can prevent that by having the proposed revised code amended we will have accomplished a very great work not only for those who desire to become stenographers of the United States courts, but for the benefit of all those connected with all the courts throughout the United States, either by state or other appointment, and I hope that Mr. Bishop's resolution will be unanimously adopted. (Carried.)

The PRESIDENT: As the additional member of that committee I will appoint Mr. H. S. Van Demark.

I might suggest, with some little hesitation, because I am a member of the committee, the advisability of allowing something for expenses to the committee just appointed to co-operate with the National Association committee.

Mr. BISHOP: I move that the committee just appointed be at liberty to draw upon the treasurer of the Association, in its discretion, to the extent of fifty dollars, if they think that will be sufficient to defray the expenses. Mr. Beale thinks that amount would be insufficient.

The PRESIDENT: I might take it upon myself to say that if it is insufficient I will guarantee, on behalf of the New York city stenographers who are interested in this bill, to raise any deficiency. (Carried unanimously.)

Mr. BISHOP: Mr. President, I am sorry to say that I have to leave in order to catch my train. I do not know whether the committee on nominations has reported or not, but I would like to know who the officers are to be for the coming year.

Mr. McLoughlin: The committee has not met as yet.

The PRESIDENT: I will now appoint as the committee on resolutions on deceased members Mr. Bishop, Mr. Wat. L. Ormsby and Mr. Requa, and there being no objection, with leave to submit the same for publication in the proceedings.

I will now call upon Mr. Charles H. Requa to read his paper.

Mr. REQUA read the same, as follows:

"TOUCHIN' ON AND APPERTAININ' " TO COURT TRIBULATIONS.

BY CHAS. H. REQUA, OF BROOKLYN.

IN the limited space of time allotted it would be impossible even to advert to the multifarious troubles which beset the official stenographer in court, and utterly futile to attempt to diagnose them and prescribe a remedy for all. But there is one to which I would refer as meriting the gravest consideration, to the end that an accurate record may not only be assumed, but attained. I allude to the difficulty so often experienced of getting the names of witnesses. The pernicious habit obtains in some of our courts of the clerk swearing the witness *first* and then asking the name, while over-zealous counsel proceed at once to examine him or her, as the case may be. If the stenographer is considered at all -- which we know he is not -- it can only be on the theory that he is writing the witness' name with one hand and simultaneously taking testimony with the other. To the

credit of most of our judges be it said that such action as the stenographer finds necessary to stop the witness till he can get the name and taken by him to perfect the record is entirely acceptable. But the delay occasioned by this method could be entirely avoided if the practice in the surrogate's court in Brooklyn were adopted by all of our courts. There, when a witness steps up to be sworn, the first thing said to him is, "*Give the STENOGRAPHER your name.*" And, mark you, he is not sworn until he has done so. Of course the clerk gets it at the same time, and as he has no testimony to take has ample leisure to write it down on his own minutes. The witness is then sworn, the stenographer is ready, and everything starts off with due propriety and decorum, and proper respect for that good old scriptural maxim, "Let all things be done decently and in order." I have heard of judges in some departments, however, who, in their eagerness to get to work, utterly fail to appreciate not only the desirability but the imperative necessity of getting the witness' name accurately and allowing the requisite time for it, complicating the situation still more by telling the stenographer to "*write it phonetically!*" I don't wonder you smile at the crass density of such a proposition, and it is needless to add such an one is densely ignorant of shorthand and its just limitations. Doubtless he would be amazed to be informed that no system yet devised contains any rule governing the writing of proper names that could be made effective, nor, from the very nature of the case, can there ever be. Practice alone makes perfect, and it is perfectly obvious on a moment's thought that there is no such thing as practice on proper names. A lifetime would not suffice to master the directory, which changes every year, and has not by any means all the names of witnesses. Moreover, it is essential that they be written in longhand, that they may the more readily catch the eye when suddenly called upon to turn in haste to the testimony of a particular witness. Otherwise it is like hunting for a drop in a pailful of water, or the search for the proverbial "needle in the haystack." As everything is to be said in favor of the simple and infallible method suggested, and it seems utterly impossible that any reasonable objection can be urged, I would suggest that this annual convention give it its heartiest endorsement, and that the attention of the judges of such courts as have not already adopted the plan be called to it, when I am satisfied that they will without exception willingly direct that this course be followed before them hereafter, to the end that a clear, intelligent record may be made in every case and the witnesses in every instance properly identified, for any purpose whatsoever, as is oftentimes of vital importance and absolutely necessary.

Mr. McLoughlin: Mr. President, just a word on that very interesting paper which has just been read. Mr. Requa simply referred to the names of the witnesses. How is it when you run across many names in the course of the testimony, what do you do then? Do you stop the witness and have him spell the names? Suppose it is a Greek or a Polish name or something like that, what do you do?

Mr. REQUA: I guess at it.

Mr. DEMMING: After a number of years of active practice I have adopted a style or method, I might say, of stopping a witness when he pronounces a proper name that is of unusual occurrence. At first it seemed to jar on the sensibilities of the attorneys, but afterward I found that it increased their respect for the stenographer. It has increased their respect to such an extent that in one of the courts one of the most prominent lawyers, in opening the case, says: "May it please the court, Mr. stenographer and gentlemen of the jury."

Mr. HEAD: Mr. President, it seems to me that Mr. Requa's paper touches upon a very important and practical branch of court reporting. It is certainly very important that a court reporter should correctly record the full name of each witness, but because of the carelessness and thoughtlessness of lawyers it is often almost impossible so to do. This is oftentimes one of the most annoying things with which a court reporter has to contend, and I would like to hear the experience and suggestions of others on the subject. It is unnecessary to point out to any intelligent person the great importance of properly recording the full and correct name of every witness. In case of a prosecution for perjury, in case of the witness changing his testimony on some future trial, in case of the death of the witness, and in many other cases which it is unnecessary to enumerate, his full and correct name is of the greatest importance. And yet in the courts where I work witnesses are often called to the stand without giving their names at all. Sometimes an attorney will say to his client, or to some other witness, in an almost inaudible voice, "Mr. Smith" or "Mr. Jones, take the stand." There may be a dozen Smiths or Joneses in the town, or even in the court room, and if the stenographer has no further information it is simply impossible for him to identify the witness at any future time. Sometimes an attorney will turn to the audience and simply *motion* to somebody to take the witness stand, and the first knowledge the stenographer has that a witness has been called some stranger steps forward to be sworn. Although the stenographer does not know the witness or his name, the lawyers and judges take it for granted that in some mysterious or miraculous way the correct name of the

witness will appear in the transcript. Another most objectionable practice which has grown up in a few courts in Pennsylvania is that of swearing witnesses by wholesale. Sometimes they are called forward and sworn in a body, and at other times the clerk goes back to the body of the court room, collects the witnesses, so far as he can, into a group, and swears them all together. The reason, or excuse, given for this most objectionable practice is that it "saves time." It is very doubtful whether this is true as a matter of fact, but if it be true, a few minutes of time are very dearly purchased at the price of accuracy in reporting. Whichever of the last named methods is pursued, it is impossible for the stenographer to know, when a witness actually takes the stand, whether he has been sworn or not, and as a consequence it would be impossible for the stenographer to testify on a prosecution for perjury, or in case of the death of the witness, or in case it became important to use his testimony in any future proceeding, whether he had been sworn or not. The most important interests may easily be jeopardized by this wholesale method of swearing witnesses, and I know of at least one case where it became important to read the testimony of a witness at a subsequent trial, and that testimony was made incompetent for the reason that the stenographer was unable to testify that the witness had been sworn. In another case, where the stenographer was not given an opportunity to get the correct name of the witness, that witness on a subsequent trial involving the same facts testified directly opposite to what he had on the former trial, and when confronted with the stenographer's notes of his former testimony defiantly answered "That is not my name." I think that every sensible and experienced stenographer will agree that the only safe and proper method is to call each witness to the stand and give his full name to the stenographer before he is sworn, and then have the oath administered in the presence of the stenographer, so that when he writes "sworn" after the name of a witness he will be able to testify that the oath was actually administered to that identical witness. While this is a consummation devoutly to be wished both by litigants and stenographers. I confess that I do not know how it can be brought about.

The PRESIDENT: The swearing of the witnesses in a bunch might produce as much perplexity to the stenographer as it does on some occasions to the United States commissioner in the southern district of New York, who is often called in a room to swear the witnesses without having any knowledge of the case, and he comes in and says, "Raise your right hand," and they all raise up their right hand, and he says "You solemnly swear that you will tell the truth, the whole truth and nothing but the truth—what the devil is this case about anyway?"

Mr. CARROLL: It strikes me this discussion gets back to the question of the ability of the shorthand writer to write proper and surnames in shorthand. While unquestionably the name of a witness should be written in longhand when he is called, the witness during the course of a long examination has occasion to mention not only the names of persons (of other witnesses), but the names of things and of places which are oftentimes unfamiliar. It is simply a question of ability to use a system of shorthand for the representation of the sounds of those names whether of persons, places, or things. The spelling of the names might be deferred until later, and the stenographer might keep a list beside him somewhat similar to the list which he keeps of the exhibits, and if he will write down, if his note book is numbered, the page of the note book on which the name occurs, he can afterward, from counsel, doubtless find out the correct spelling, for each counsel in a case has a list of the witnesses he calls. I do not think it seems compatible with a competent stenographer to stop people to find out how a proper name or a surname is spelled, because it is not very important at that moment, as you can secure it afterward, and the stenographer is employed to facilitate and not to retard a proceeding.

Mr. SAMMIS: I think it gets back to a stenographer's nerve and ability to take care of himself. Not very long ago I had the pleasure, as it turned out, but upon which I entered with a great deal of fear, of reporting a case before a judge whom I had been told directed the stenographer to write names phonetically, and I did not know what would happen to me for the simple reason that I am very slow to catch the phonetics of a proper name, and always insist on knowing what the name is. The proceedings had not gone very far before a witness in a long statement named somebody, and I did not catch what the name was, and when he got through with the statement I held up my hand to counsel and said, "Wait a moment," and I turned to the witness and said, "What was that name you mentioned?" He gave it to me and I expected to have the judge's ink bottle thrown at me, and I was ready to duck, but it was not necessary.

Mr. WAT. L. ORMSBY: I happen to know very well the judge to whom reference is made. He does not object to having a name repeated when the witness takes the stand, but he does emphatically object to having it spelled. Under no circumstances does he allow the name to be spelled. You can say if you do not understand it, "What is that? Repeat that again," and he will allow the name to be repeated, but he will not have it spelled. I want to say on this subject of proper names that I deem it the absolute duty of every honest stenographer, if permitted by the judge, to get the names right above all things, and whenever I am

permitted I get the names right and I stop the proceedings until I do get them, and I cannot do my duty in accord with my conscience unless I am permitted to do that.

Mr. LOEWENSTEIN: I cannot understand the practice in New York and Brooklyn because I have never reported in any of the courts there, but it seems to me, from the remarks here this morning, that the stenographers live in great fear of the judges there. Up our way the judge assists the stenographer in every possible manner. If a witness comes to my desk I ask him his name, and if I cannot understand it, or if he is a foreigner, I have him spell it, and if he does not talk loud enough the judge will say, "Spell it louder, so everybody can hear it."

Mr. SAMMIS: There is probably a very good reason why the stenographers in New York and Brooklyn feel differently towards their judges than the stenographers do up the state, for the stenographers in New York and Brooklyn, as far as I know, have very little political influence.

Mr. BEALE: Mr. President, I would like to mention one thing which came up in my experience which would seem to apply to Mr. Requa's suggestion that the name be given before the witness is sworn. It seems to me that would be an excellent practice, and it might do away with a difficulty which arose in my court. We have the practice there, a bad practice from some standpoints, but it seems to be considered by the judges and lawyers to be a good practice, because it facilitates business, of having all the witnesses in a civil case sworn at one time, in a bunch. It happened in a case against the Boston elevated railroad the plaintiff told a certain story, and in an effort to impeach his credibility he was asked if he had ever been in jail, and he denied it and denied it positively, and upon being questioned again several times he reiterated his denial, and the matter was dropped for the time being, the opposing counsel not having the court records present. In the afternoon session he came prepared with his court records and with the policeman who made the arrest and who assisted in the prosecution. The plaintiff, seeing this array of evidence on the other side, immediately informed his counsel that he was willing to acknowledge that he had been in jail. The result was that the judge had him committed for perjury and decided the case for the defendant. It was not long afterward that I was notified to be present before the grand jury to testify in the case. Previously I had furnished the testimony of this plaintiff, and as is customary, in fact it is the rule with the Massachusetts stenographers, to write the examination of the witness, "John Smith, the plaintiff, being duly sworn, testified as follows," and I did so in accordance with custom. When I was notified to appear before

the grand jury I was immediately in a predicament. The witnesses had all been run up behind me and I had not seen them sworn. I took it for granted this witness was sworn and I put it down so in my notes, but yet I could not go before a grand jury and testify that I saw that man sworn, or knew he was sworn. The clerk of the court who swore the witnesses was also called in to testify, and he was in the same predicament. He swore the bunch of them, but he could not remember whether that particular witness was in the lot or not. Of course it was unreasonable to suppose he was not, but it was a question of a man being indicted for perjury and perhaps sentenced to a term in prison, so we consulted the judge in regard to the matter and the outcome of it was the case was not carried any further. We appeared before the grand jury and testified that to the best of our knowledge and belief he was sworn, but the case was finally dropped. If each witness in the case had been called to the stand and his name asked and then sworn, there could no question of that kind arise.

THE PRESIDENT: We have not heard what Mr. McLoughlin does about names, and as I happen to know something about his eccentricities of spelling when he allows his dulcet tones to float down the graphophone tube, I would like to know how he gets his names spelled so many different ways in his notes.

Upon motion, a recess was taken until 2 P. M.

SECOND DAY — SECOND SESSION.

The president called the meeting to order.

MR. VAN DEMARK: Mr. President, the committee on election of new members report favorably upon the names of Patrick J. Sweeney, James E. Keese, L. A. Carroll, and would recommend that they be elected to membership without complying with the provisions of the constitution with reference to examinations. (Adopted.)

MR. WAT. L. ORMSBY: Mr. President, the memorial committee on deceased members would beg the indulgence of the Association and ask that it be allowed to prepare, more at leisure and in terms more befitting the deceased members, resolutions and send them to the secretary to be printed in the proceedings. (Carried.)

THE PRESIDENT: We will now listen to Mr. McLoughlin's paper.

Mr. McLoughlin read the same, as follows:

A STENOGRAPHER AS A WITNESS.

BY PETER P. MCLOUGHLIN, OF NEW YORK.

IT is but a step from the stenographer's desk to the witness chair, and yet a great gulf seems to lie between them. Day by day we court stenographers sit at our desks and report the words of numerous witnesses. Oftentimes we are amazed at their

embarrassment and seeming stupidity. We seldom stop to consider that the appearance of many persons in the witness chair is equivalent to the first appearance of an actor or an orator before an audience. Stage fright on the witness stand is just as common as it is behind the footlights. Many who are uneducated and ignorant suddenly find themselves facing a crowded court room of strange faces, a severe looking judge and sharp and quick-witted lawyers. They are asked to proceed and tell their story. Sometimes they hesitate, stammer and stop, and even faint away before they have half finished their narration. Oftentimes counsel in a case will construe this very natural embarrassment into evidence of perjured testimony. Take a stenographer sitting, as he does, every day in a court room, surrounded to a great extent by familiar faces, and place him in the witness chair, and unless he has the adamant nerve of a three hundred words a minute writer he is bound to become embarrassed. Physicians and other expert witnesses who frequently sit in the witness chair acquire a certain ease of manner, but anyone assuming the position of a witness for the first time has an upset feeling come over him which is difficult to conceal. Many persons carefully rehearse the words that they are to use in telling the simplest kind of a story on the witness stand. If it is a woman, the tale is usually a long one, and the oftener it is rehearsed the more glibly will she reel it off. That is the kind of a witness that all stenographers like to listen to. The speed at which prepared and manufactured stories can be rattled off would give Dement all that he could do, even with his four hundred and ten words a minute.

Though a stenographer cannot see the face of a witness while testifying, he can realize from the tone of voice and the substance of the answers what style of individual he is reporting, and what impression the testimony is making upon the jury. Many times I have been able to discover a false witness by the manner in which he shifted his feet. This may seem strange, but it has repeatedly proven to be correct.

Stenographers are not frequently called as witnesses. When it does happen it is usually the formal matter of identifying the transcript of his notes. I do not know what the experience of others may have been, but my associate, Mr. Flack, and myself had a rather trying experience as witnesses. We reported a murder trial together a few years ago which resulted in a conviction. The judgment was reversed by the court of appeals. A year afterwards the case was retried. In the meantime four important witnesses had died. Their testimony covered about five hundred folios. The record was in print, and we naturally supposed that counsel would admit the correctness of our report.

It is not until we received notice that we must produce our original notes taken a year previous, and read them to the jury. We were on the stand the last part of a day's session. Both counsel and the court held a printed case and followed us word for word to the end. We passed through this ordeal successfully without having a single word questioned. Is it divulging a professional secret to tell this body of professional shorthand writers that we had previously compared our notes with the printed case?

On another occasion I was called as a witness by a lawyer who naturally was not overburdened with honesty. Before placing me on the stand he said, "This is a transcript of your minutes furnished to me some time ago. It is important to my case that you do it justice to this assembly. You are an official, and your position depends upon it." When on the stand he asked me if I was a witness; I answered "Yes" to a particular question. I replied that I could not state without referring to my original notes. He became quite excited at this, but a kindly judge interfered and asked if I had compared the transcript shown me by counsel with my notes. I had not. The judge then asked me to make the comparison and then return to the stand. I did, and found that the answer which counsel was so urgent I should swear was "Yes" should have been "No." Counsel lost his case. Whether the mistake was mine or that of an amanuensis, or was put in by a strenuous lawyer I never could tell, but it taught me the lesson of always comparing the transcript with the original notes before attempting to testify as to the accuracy of the former.

A brother stenographer told me this story of his experience as a witness: "I do not know whether the following is a unique experience among stenographers generally or not. However, on one occasion it transpired that I was the stenographer on both the original and second trials in a given case. On this account I was called as a witness on the second trial to verify the minutes taken on the first. There being no other stenographer available, it became necessary for me to act both as witness and stenographer when I was called to the stand. Accordingly I reported the questions asked of me on the direct examination and my answers thereto the same upon cross-examination, and so on to the termination of my testimony. As suggested, I do not know how common or otherwise this may be in the experience of stenographers generally; but I can assure you that however severely my reportorial powers were taxed in taking down the questions and argument of counsel, I had no difficulty whatever in reporting my answers."

Another court stenographer tells this story on one of the profession: "A stenographer was called in my court to read from

his original notes some thirty pages of testimony. His transcript was in the hands of the lawyer who called him. At a certain point in the reading the examining counsel handed the transcript to the court so that he might follow the reading. At this the stenographer seemed to become somewhat confused and read more slowly. In a short time he came to a full stop, and with a coolness which could not be excelled turned to the presiding judge and said, 'Your honor, what is the next question?' The court, who evidently had not been following very closely, said, 'What was the last you read?' The witness repeated the last portion of his notes that he could read, and then the court read the next question and answer, and the witness was able to proceed. In speaking to that stenographic witness afterwards he told me that he was absolutely stuck, that there was no trap-door through which he could disappear, that there was no window handy out of which he could jump, and the only thing for him to do was what he did do, throw himself upon the mercy of the court."

An interesting incident occurred recently in our court of sessions in New York. It was important in a certain case to determine whether a witness had used the word "him" or "her." A stenographer who took notes at a preliminary examination was called and brought with him his original stenographic minutes. He was asked, "I want to know whether it is 'Then he must have followed her down, because I came down behind her,' or 'behind him.'" The stenographic witness promptly answered, "behind her." Then came the question, "Are you positive of it?" and the answer, "Yes."

This was sufficient, but the witness, being anxious to hear the sound of his own melodious voice in a public place, quickly added, "As positive as anyone can be who takes shorthand notes," absolutely giving a black eye to his chosen profession.

Then he was asked "Is that right?" "A. That is as I have got it here."

If he had it there where did he get it from, out of his imagination or from the witness who was under examination?

"You took it correctly, did you? A. I believe so." We could all say the same thing.

The testimony of that stenographic witness certainly was of little value to the party calling him, as there was no positiveness about it.

On cross-examination counsel asked, "You do not pretend to be infallible, do you? A. No, sir; I am not infallible."

Of course not — who is? Nobody, except the lawyer who happens to be examining a witness.

"Q. There are often occasions on which in the nature of stenographic reporting you may have written the word 'her' when

the word 'him' was used? A. I don't know of any such case.
 Q. It is not an impossibility, is it? A. No, sir; it is not an impossibility."

On re-direct examination counsel asked, "I want to know what is the difference between your stenographic sign for 'him' and 'her?' A. A downward 'r' for her; an 'r' stem written downward on the line. I write the Munson system, and for the word 'him' I use a 'hay' stem written horizontally on the line. I can show you better than I can tell you."

I think he told it in pretty good shape, but he wanted a chance to pose as an illustrator, as well as an expert stenographer. Not having a blackboard and crayon handy they gave the witness a piece of paper and a pencil on which he made the stenographic signs for "him" and "her." They were exhibited to the jury so that that intellectual body, composed mainly of clothing merchants and delicatessen dealers, might determine if the stenographer could have made a mistake, inasmuch as he did not seem able to determine himself whether he had or not.

Counsel in summing up in that case called the jury's attention to the exhibit and said, "I asked the stenographer if it was not possible to mistake 'him' for 'her,' and he said it was. Now, gentlemen," shouted the zealous advocate, "what is the distinction between 'him' and 'her?' It is the distinction of a dot, and on that dot you are asked to put this man behind the bars for ten years."

I do not know whether it was owing to the lack of positiveness in the stenographer's testimony or whether the jury got into a wrangle about stenographic signs, but they were unable to agree on a verdict. I have reproduced here the signs used by this particular stenographer for the words "her" and "him." Look them over and see if you would not swear which was which.

Some years ago I reported the testimony of a stenographer in a case in which he was vigorously examined by a lawyer who, himself, was an expert stenographer. The witness, after being duly qualified as to experience, and so forth, read certain portions of the testimony of a witness given before a coroner's jury. A part of the cross-examination may be of interest: "Q. Those are your original notes (referring to a note book produced)? A. Yes, sir. Q. When the coroner holds an inquest do you always take the notes? A. Yes, sir. I am the only stenographer they have."

I presume that he meant that if there were two stenographers they would take something else besides notes.

"Q. When you take the testimony of the witnesses do you pretend to take every word that is said? A. Oh, yes; always."

Why certainly, we all pretend to do that.

"Q. And you never make any mistake? A. No more than any other man would under the circumstances."

That's where he tries to ring in the rest of the craft.

"Q. Do you ever make omissions or mistakes? A. Not that I can remember."

He had one of those short-term memories, as will be shown by his further examination.

"Q. Do you ever recollect yourself to have made a mistake? A. Oh, yes."

His memory is getting better.

"Q. This name you have got here 'Weinert.' Did you get that name and take it down from hearing it that way? A. Well, the coroner asks the witnesses their name and gives it to me and he may have misunderstood it."

A coroner may make a mistake, but a stenographer never.

"Q. You did not misunderstand what the coroner said? A. No, sir; I can't say that. Q. What is the name you have got there? A. 'Weinert.' Q. This typewritten copy, is that yours? A. Yes, sir. Q. You authorized that? A. Yes, sir. Q. What is the name you have got there? A. 'Weinert.' Q. Which is right? A. Well, 's' here looks so much like an 'r' that the typewriter got that for an 's' likely. Q. Does the typewriter read your notes? A. She reads the name, which is in longhand (wonderful typewriter), and the rest I dictate into the phonograph." (This was in 1890, when the phonograph was not in such general use as it is now.)

"Q. And she takes it out of the phonograph? A. Yes, sir."

Neither counsel nor the witness indicated whether she used a dipper or a shovel, but judging from the examination of this stenographer she certainly took it out in style.

"Q. If there are any mistakes here you are not responsible for them, is that it? A. Oh, yes; I have to take the responsibility, because I dictate them into the phonograph."

If someone else had done it he would have been relieved of that burden.

"Q. I want to call your attention to one thing here. 'Did you see her after she was dead?' and the answer, 'Yes, sir.' What is the answer to that question? A. 'Yes.' Q. Do you know that you read that 'yes, sir.' for one thing? Which is it? A. 'Yes.' Q. Is that the typewriter's mistake, or yours? A. Well, that may be my mistake, because there is a small circle for 'yes' and a double circle for 'yes, sir.' Q. It is easy to mistake those short-hand signs? A. In 'yes, sir' it is, more than anything else."

I can now see you all illustrating to yourselves how impossible it would be for any one of you to mistake "yes" for "yes, sir."

"Q. What is the next question after that? A. 'What time was

it?' Q. Just read the next question and answer you have got in your transcript and tell me whose mistake that is. There was a whole question and answer you did not read? A. Well, I must have dictated this other stuff in there. Q. Do you find that on your note book that she said, 'Did you go upstairs?' A. I did not transcribe that. Q. You have crossed it out? A. Yes, sir. Q. Do you take those liberties with the witness' testimony, after you take it? A. No, sir."

The witness being a lady, of course, it would not be proper to admit having taken any such thing.

"Q. What did you do it here for? A. Well, very often in the course of an examination the court would say, 'Never mind that, and just come down to the facts.' Q. What right did you have to strike out that whole question and answer? A. Well, I did not think that was material."

Of course not. Don't we know it all? Who should judge of the materiality of evidence if not the stenographer?

"Q. Do you generally judge as to the materiality of a question and answer? A. No, sir. Q. Well, is that your explanation of why you omitted to read that from your notes? A. Yes, sir; because anything I do not transcribe I strike out that way, anything I strike out during the examination I strike out that way."

And I thought I heard a stenographer in the court room say, "Three strikes, you're out," but he didn't — he just went out for a ball.

Then the stern judge took a hand at the bewildered witness, remarking, "You do not pretend that your notes are accurate? A. Well, I would say they are, as far as the notes that I transcribed are concerned. Q. But there you have a question and an answer in your notes and you have stricken them out? A. Well, I may explain that in this way: We make a transcript for the board of health and that I do not make so full, and in that case I generally put the testimony in narrative form."

Then the counsel resumed the examination and asked, "There is another question here that you have stricken out, 'Did you see him?' A. No, I did not see him at all during the day." A. Yes, sir. Q. So that if a person made any qualification of an answer and you considered the qualification immaterial, you would strike it out? A. No, sir: I would not do that."

There were some things that even he drew the line at. There might be some qualifications that he would deem material.

"Q. Then there are two transcripts, one not a copy of the other: is that it? A. One a copy of the other, with this exception, that in the board of health transcript I leave out those questions that the coroner deemed immaterial at the time. Q. Did the coroner tell you to strike out this other question and answer,

where she says, 'Did you go upstairs?' and the answer, 'I was the first one that he called?' A. No, sir. Q. You did that of your own accord? A. Yes, sir. Q. The difference between 'he' and 'who' is quite slight in shorthand writing? A. Yes, sir. Q. You could make a mistake very quickly that way? A. Yes, sir. Q. And you did make a mistake? A. Yes, sir; that was a mistake."

The examining counsel then took in his hand the original notes of the witness, and I do not believe that anyone ever put in a more unpleasant half hour than that coroner's stenographer did, as he was compelled to admit time and again that he had omitted words, substituted words and added to the testimony of a witness. Towards the close of his examination he was asked if he had compared his notes with the transcript. He answered, "Well, if you mean to sit down and compare word for word with the shorthand notes, I did not."

Comparing should never be done standing up.

"Q. Well, then, you do not certify to the accuracy of this? A. No, sir. Q. Is it not a fact when you get through taking notes you usually revise your notes and you usually pare off what you cannot understand or cannot explain, and usually make sense out of what seems to you nonsense? A. Well, I can't say that. If I wanted to do that I would have got this straight."

Nobody had suggested that there was anything crooked about it.

"Q. How can your notes be correct when you have admitted that you have stricken out certain questions and answers? Are they correct with the questions and answers in, or correct with the questions and answers stricken out? A. Correct with the questions and answers in." And with this the expert lawyer stenographer allowed the witness to depart—back to the coroner's office, back to his wonderful phonograph and typewriter, back to reflect on the necessity of always comparing the transcript with the original notes.

We often hear counsel admonish a witness to remember that he is under oath. This is sometimes necessary, as a witness is very liable to forget that solemn obligation when he is being rapidly questioned by an astute lawyer. During the past year I had occasion to appear in the supreme court as a witness in a case in which I was the plaintiff. It was an action to recover some five hundred dollars for stenographic fees. The defendants were two attorneys, each represented by counsel. Everything went along smoothly on the direct examination, but when vigorously cross-examined by two lawyers as to conversations occurring two years before, I found myself gradually becoming embarrassed, confused, indignant and excited. It is needless to say that

I contradicted myself in one or more instances, though making every effort to adhere to the strict line of the truth. I could then appreciate more than ever how witnesses may unintentionally make contrary statements. The judge and the jury evidently saw that the efforts of counsel in the case in question were simply directed to avoid paying a just claim. They had both enjoyed the benefit of the stenographic minutes taken on a reference in which both were parties, and then refused to pay the bill. The case was of some importance, as determining the responsibility of the parties to a reference to pay the fees of the stenographer. The rulings of the trial judge were all in favor of the stenographer; and his charge in the case, I believe, settled some points of stenographic law. The jury promptly returned a verdict in favor of the plaintiff for the full amount, with interest.

In the instances which I have narrated of stenographers as witnesses I did not intend to reflect at all upon the competency of the individual stenographers, but rather to impress upon those who have not had similar experience the necessity of always carefully comparing the transcript about which they are to be examined with their original notes. And having done that, swear to the accuracy of the transcript and stick to it.

MR. SAMMIS: I move that the secretary be courteously instructed to have printed in the next annual report a copy of the constitution and by-laws of the association, and a corrected list of the names and addresses of the members of the Association, and also a list of the names and addresses of official stenographers of all courts of this state, together with the courts of which they are officials. (Carried.)*

MR. DEMMING: Referring to the very valuable paper of Mr. McLoughlin I have found from practice in numerous courts that the methods differ very much. In some courts stenographers are called upon to read their notes frequently during the trial of a case; in other courts they are not called upon more than perhaps once a week. As to calling stenographers as witnesses I think during the past year I have been called as a witness ten or twelve times, and in each case I was treated with the utmost courtesy. In Lebanon county, where I had been called as a witness, the members of the bar interested in the case have invariably said, "Let the stenographer be called as a witness without being sworn," and the stenographer has been permitted to testify there every time during the past twelve or fifteen years, to the best of my recollection, without being sworn as a witness. His statement was taken as verity without the formality of an oath.

* It is found impracticable to compile an accurate list of officials for publication this year. We recommend its publication in the proceedings of 1908. — *Pub. Com.*

Relative to comparing notes with transcripts, that is of the utmost importance. A stenographer does not know how soon he will be called upon to verify a transcript, and if he is called upon suddenly and has not compared the two, sooner or later he is going to get into hot water. We have had a decision in Pennsylvania requiring the judges of the various courts to revise the transcripts of the stenographers in every case and after revising them to certify to their accuracy, and that was brought about through the mistake of a stenographer in a very important case. He was called upon by the court to transcribe the record, which he did through his amanuensis, and that became an official copy. It was lost, and the attorneys wanted a copy subsequently; an ineffectual effort was made to find the lost transcript. Another transcript was ordered, and the attorneys in looking over the second transcript discovered (in the meantime the first transcript having been found) that the first and second transcripts did not agree. Then the question arose: Which is the official copy? The result was that the supreme court, the highest court in Pennsylvania, decided that from that time forth all transcripts should be revised by the courts wherein the original notes were made and certified before they were permitted to be filed. Mr. McLoughlin's paper is certainly a very valuable document, and I think will add very much to the value of the proceedings of this year's session.

The PRESIDENT: If there are no other remarks on Mr. McLoughlin's paper we will pass to the next, which is a paper by one of our new members, Mr. P. J. Sweeney, and I trust that at all future conventions Mr. Sweeney will manifest the interest in the State Association that he has shown in this.

Mr. SWEENEY read the same, as follows:

BE AISY!

BY PATRICK J. SWEENEY, OF NEW YORK.

“**B**E AISY! If you can't be aisy, be as aisy as you can.”
Don't fret and fuss and worry. Cut it all out. It means dollars and cents, for every bit of worry means loss of so much energy and no corresponding gain.

It is the little things which are the most bothersome, the apparent trifles. Bear in mind that every time you get angry, and fume and fret, you harm yourself more than any one else. Don't do it. You waste time and energy, which in our line constitute the means for making money.

I am not fond of preaching, but I like to tell folks those things which they are too busy to think of. It is splendid to get in a corner by yourself every now and then and ask yourself a few questions. Sort of strike off a trial balance and see whether you can show a profit or a loss.

In our line it is not the mechanical shorthand who can do the best work. The expert is the man who is ready for every emergency, whom practically nothing can faze. He is not like the Irishman whose forethought always came after.

Be aisy, save yourself as much as possible. Take things easy. Keep your wits about you. Don't go off at half-cock. Know what you are going to do or to say, and then do it or say it. You know about the ounce of prevention being better than the pound of cure.

Now, if you are one of the fussy, blustery kind, you are not only upset but you upset those around you. You are an irritant. You distress your employees and your co-workers. Get into the habit of being rational and reasonable all the time. When you are inclined to get angry in the midst of a controversy, keep your voice low and you will be able to control your anger.

One mistake so many make is to waste time and energy trying to "get square" for real or fancied wrongs. Life is too short for that sort of thing. You will get so wrapped up in getting square that you will neglect your work.

Your mind will wander in your note-taking. Do your utmost to give every fellow a square deal. If a man wrongs you in any way, simply let him go. Don't bother about him. Let him drop out of your life. Forget him.

If you have never tried to master the art of forgetting, start right now. It is only a matter of practice; you can acquire it very easily. Of course it won't come in a day or a week, but it is well worth striving for. It is grand to be able to remember the pleasant things in life and to forget the unpleasant things. When the unpleasant happenings are in and you resurrect them every now and then, it is an actual resurrection, for you will not allow them to remain dead. You don't allow yourself to get away from them. Just in the same way you cannot be thinking of horse racing or base ball when busily engaged in note-taking. — so you must shut out your real or imaginary troubles.

Henry Ward Beecher said: "Worry is like rust upon the brain."

Cultivate agreeableness and friendship, be agreeable with every one as a matter of policy, if you have no better reason. It pays you, and you cannot judge in advance how soon you may need some one's services, from the office boy to the head of the firm, from the law clerk to the judge. Make a friend wherever you can, and having made a friend keep him. Most people can make friends, very few can keep them, and it is all a matter of thoughtfulness and consideration. Practice reciprocity. Do a good turn whenever and wherever you can.

Our good friend and president asked me to give him about one

thousand words. From experience, as a listener upon occasions like this, I fancy it is ever so much better to leave your audience sighing for more, than to have them wishing you would hurry and get through. All I wanted to do was to give you some food for thought.

Too many people are intensely practical. They don't stop to think. They have hard and fast reasons for doing things. They lack sentimentality and feeling. Unknown to themselves they are losing a great deal. Splendid thoughts and suggestions are in the air all the time, what we ordinarily call inspiration. If you are intensely matter of fact nothing much in mental help will come to you.

The phonograph will take a *verbatim* report; but of what sort? Purely mechanical. The ideal reporter is he who works with his hands and his head, who thinks along with the witness or the dictater or the judge or the orator or the preacher; the reporter who is alive; the one whose nerves are atingle.

Get plenty of rest. I know very well the great strain of court reporting and how much vital energy is required for the reporting and transcribing, and this is my point in regard to the apparent trifles you allow to worry and upset you. Just like a savings bank account. You have only so much; either large or small withdrawals will soon exhaust it. Laugh off these little bits. Forget them. Cut them out. I will not recommend special diet. You know better than I can tell you what to eat and to drink.

Our work is of the strenuous kind. It requires the highest degree of mental tension, and therefore every drawback should be carefully looked into.

This favorite expression of mine always brings with it a smile and good feeling. Therefore, if you do nothing else, bear it in mind and "Be aisy! If you can't be aisy, be as aisy as you can."

The PRESIDENT: We have but one other paper by a member who is present with us before we pass to the papers contributed by those who are not in attendance, and I therefore call on Mr. Whitefield Sammis for his paper, which, by the way, I understand is not a paper, but a few extemporaneous remarks.

Mr. SAMMIS: Mr. Wat. L. Ormsby, about a year ago, asked me if I would prepare a paper to be read at this convention, and I told him I would, and when I told him so I meant it, but as I thought the matter over and considered writing a paper it very forcibly occurred to me that when I have a pen in my hand I am merely the recorder of other's thoughts and that the power of original thought was almost denied me. I think that about the only serious objection I have to the life of a professional reporter is that it destroys one's own original thought or the power of original thought. We all can think, but I believe we would be

better thinkers at the present time had we not spent so many years in registering the thoughts of other people. However, that has nothing to do with the paper that I was to prepare. I told Mr. Ormsby the morning after the last civil service examination for court reporters, when I had ignominiously failed to acquire, as the state civil service board informed me, the minimum, that I would write a paper on how to pass a civil service examination, thinking, as I had failed, I was better qualified to post others on the means of passing the examination than one who had passed, for the man who passed would merely say, "Well, all you have got to do is to practice shorthand until you become as good a stenographer as I am and it is a cinch." But "brevity," I believe, "is the soul of wit," and I am going to be very witty just at present and relieve you from listening to anything further on the subject of civil service examinations, as I see that nearly every one here has either passed the civil service or was fortunate enough to have been born and acquired the art of stenography at a time when one could receive an appointment without undergoing that ordeal.

The PRESIDENT: I will now call on Mr. Beach to read a paper written by Mr. Timothy Bigelow, of Brooklyn, on "The Invisible Record."

Mr. BEACH read the same, as follows:

THE INVISIBLE RECORD.

BY TIMOTHY BIGELOW, OF BROOKLYN.

THE telephone — an instrument based upon the discovery of Mr. Poulsen, a Danish electrical engineer, that a steel wire passed through the field of a telephone transmitter would become magnetized differently at various points in such a manner that when the same wire was passed through the field of a receiving apparatus, it would reproduce the original speech — seems likely, in some of its forms, to become a matter of considerable interest to our profession. One form of the instrument, expected soon to be placed on the market, is a machine using cylinders of sheet steel which can be put on and taken off of a revolving drum in the same manner as the wax cylinders of the graphophone and phonograph. These cylinders, it is stated, will take about half an hour's dictation. The stop and start device which has been heretofore lacking is to be operated by lifting the reproducing portion of the mechanism from the cylinder by means of a key. It then ceases to reproduce, and by the same movement its lateral motion along the cylinder is arrested, while the cylinder continues revolving. Upon dropping the reproducer again into place it resumes its function, the speech overlapping a little perhaps on

the last utterance, and then going on until again stopped. The magnetic condition upon which the reproduction depends can be removed in an instant and the cylinder fitted for use again by passing it under a large magnet. The operation of the apparatus being entirely electrical, it is proposed to place the keys controlling the stop and start device immediately upon or in close relation to the typewriting machine itself, so as to dispense with the use of a treadle or the like.

As to the quality of sound produced by the telegraphone, it seems to me more agreeable and more like the natural voice than that of the phonograph or graphophone, lacking its rasping character. There are no extraneous sounds due to the operation of the machine. The sounds of the letters F and S come out well. Loudness is said to be a matter of adjustment—as to that, the machines will literally have to speak for themselves. “Enough is as good as a feast.”

The record seems to be permanent. It is not affected by the weather or ordinary changes of temperature, or by water. It is not only invisible, but it cannot be perceived by taste, touch or smell, and it is imponderable. There is secret writing for you! It appeals to nothing save to the sense of hearing through the agency of the reproducing apparatus. The steel sheet is not frail and subject to injury from slight causes, such as falls.

An article giving fuller details will be published in the *Electrical Age* in September.

Mr. SAMMIS: I might say that I tried to get from Mr. Waterman a paper written by him on the subject of the “New Phonograph.” I called at his office on several occasions, but was unable to catch the gentleman in.

The PRESIDENT: As I understand it, Mr. Waterman is interested in another instrument of the same character as that mentioned by Mr. Bigelow in his paper.

I will next call upon Mr. Kendrick C. Hill to read a paper entitled “The Graphophone as an Aid to the Stenographer,” by Mr. Edward D. Easton, of Washington, the president and general manager of the American Graphophone Co.

Mr. HILL read the same, as follows:

THE GRAPHOPHONE AS AN AID TO THE STENOGRAPHER.

BY EDWARD D. EASTON, OF NEW YORK.

THE author of this paper, then a stenographer, attended the annual meeting of the New York State Stenographers' Association at Lake George, in 1888, and exhibited a laboratory-made treadle graphophone, and attempted to demonstrate its value as an aid to the stenographer. The graphophone then was

just born. To-day millions of dollars of capital are invested in the manufacture of the graphophone, and the machine is in use all over the civilized world. The graphophone was originally placed on the market by stenographers, and the president, vice-presidents, and several other officers of the American Graphophone and Columbia Phonograph Companies are ex-stenographers.

It was expected in the beginning that the principal use of the machine would be as an aid to the stenographic reporter, and as a substitute for the shorthand amanuensis. As a matter of fact the percentage of graphophones used for this purpose is small, as compared with the number used for home entertainment, language teaching, and the numerous other uses that have developed. It is, however, true, that thousands of graphophones are in business use, the number of machines in a single establishment ranging from the small installation of two or three to the larger of twenty-five, fifty, or one hundred, and in some cases even more.

The purpose of this paper is to set forth, very briefly, some of the advantages of the use of the graphophone for dictation generally, and especially its advantages to reporters.

Within the last third of a century, as all the older reporters know, the methods of transcribing stenographic notes have been revolutionized. At first each reporter wrote out his notes with his own hand, or dictated them to a rapid longhand writer. The next step was dictation to shorthand amanuenses, who transcribed with the pen. Then came the use of the typewriter for transcription, and later, as the machine was improved and operators became more expert, many reporters dictated to them direct, as some do still. Next came the graphophone, which enabled the reporter to dictate as fast as he could read his notes.

The ordinary dictater of business letters, or other papers, has to originate his matter as he goes along. He may be unpracticed in ready composition, and until he acquires the art of ready expression he may be unable to get the full benefit of the instrument. Then, too, he may be the slave of fixed habits. The writer knows a public man who has used the graphophone successfully, but who goes back to his old methods, because, he says, his mind works freely only when he is walking around. The objections which such men raise to the use of the talking machine are mostly imaginary, and those that have any substance may be readily overcome, leaving a very large balance of gain from the use of the instrument for general dictation. But for the experienced reporter these objections, real or imaginary, do not exist. His notes supply the matter of his dictation, and his object is to get them transcribed as rapidly as possible. Therefore, for him the advantages from the use of the graphophone are immense. Of these the most important and fruitful, involving many others, is the gain in speed. The expert reporter, after very little prac-

tice, ought to be able to dictate his notes twice or three times as rapidly as by any other method: often in less time than was occupied in taking them. The advantages of this are obvious. Let us note a few of them. First, there is the satisfaction to himself and his clients of getting his work out promptly. Second, the advantage to him of having so much more time at his command for other work, for study or recreation. Following the old methods, the court reporter who was called upon to furnish "daily copy" was generally obliged to employ another reporter to do half the day's work, but by the proper use of the graphophone he can readily handle almost any "daily copy" case alone. Here, of course, is a great pecuniary advantage, to say nothing of the satisfaction of having done his work himself.

Next comes the point of convenience. Using the graphophone, the reporter is not dependent upon the presence of another person. He can do his dictating at whatever hour suits him, early in the morning, or late at night, and thus supply matter in advance, so that the whole time of his typewriter operator can be devoted to transcribing instead of being largely occupied in recording the dictation, or waiting for it. Soon after the graphophone first came out it was introduced in the office of a leading firm of law reporters in Washington. They had previously done their work by dictating to the typewriter directly. Their principal operator, a bright young lady, objected to the new plan for several reasons, some fanciful, but one, apparently, substantial. She said: "I cannot afford to take up this machine. By the direct dictation plan I am able to turn out so many folios per hour, but by this new plan I find my hourly product considerably reduced." To which her employer replied: "No, you deceive yourself. You do not mean that *you* are able to turn out so many folios per hour from direct dictation. You mean that *you and I* working together steadily are able to turn out that number of folios. Now, since I have found this machine, I cannot afford to spend my time that way. I can dictate to it more than twice as fast as I can to you, and can employ the time thus saved more profitably. Besides, I believe that a little practice will soon enable you to transcribe even more matter from the machine than from direct dictation, if not more per hour, more per day, in view of the fact that by this method you can often be writing when you would otherwise be idle, I being occupied elsewhere. I must insist that you use the machine if you are to continue to work for me." The young lady accepted the situation, and soon was able to transcribe a greater number of folios per hour than she had ever done by direct dictation.

Persons who have not used the graphophone, or who have made unsuccessful attempts to use it, (probably under unfavorable circumstances,) may think the claims made for it here are too

strong, but they are not. They are fully justified by experience in business houses, in law reporting, and in the congressional field. The graphophone was first used practically in the room of the official reporters of debates of the house of representatives, and there its advantage in connection with reporting have had the most continuous and triumphant demonstration. It was introduced originally by Mr. Andrew Devine, one of the reporters, and its general acceptance was gradual, but for several years past it has superseded all other methods. And it is noteworthy that this triumph has been achieved in an exceptionally difficult field. In congressional work the range of topics is, of course, much wider than in ordinary work, and there is constant occasion for transposition and re-arrangement such as occurs very rarely in law reporting, so that the objections previously hinted at, the difficulty of making corrections and changes, apply with much more force to congressional work than to "straight" reporting. As a matter of fact, these objections, plausible in theory, disappear in practice, and the graphophone has fully vindicated itself against them all. Of course, an experienced reporter ought to be, and generally is, able to edit his work as he goes along, but even when it is so confused and involved as to require deliberate re-arrangement, he can afford with the graphophone to take the necessary time because he can dictate the re-arranged matter so much more rapidly than by any other method.

Reference has been made to unsuccessful attempts by reporters and others to use the instrument. Like every other piece of mechanism, the graphophone is liable to get out of order at times, and as with all other machines, the person who seeks to use it to advantage must devote a little earnest attention to mastering it: but on the whole it is safe to say that no other modern time and labor-saving device is so simple and easy to learn to use, or will reward the user so liberally for the small amount of time and study required for its mastery, and there can be no doubt that it is destined to take the place of all prior methods of recording dictation.

Of course numerous and great improvements have been made, and the compact, simple, quickly-mastered, and low-priced machine of to-day, which will record a whisper, and which will reproduce dictation with substantially the volume and distinctness of the original, bears little resemblance to the crude apparatus exhibited to your Association in 1888 by the author of this article.

Mr. McLOUGHLIN: Mr. President, in conjunction with that paper I would like to make an inquiry from any one who has had greater experience with the graphophone than I have had as to what the possibility is in the way of dictation; what is the highest number of words that can be dictated in an hour?

Mr. WAT. L. ORMSBY: I think that varies with the skill of the dictator. I can tell you what I do every day, and what I am satisfied with. My average dictation is just about twenty-five pages an hour, and I can dictate and frequently have dictated for hours at a time as much as thirty-five pages. The best record I ever made, which by the way was not a good record, but a very poor one, but still capable of transcription and was transcribed by my operator, was when I was limited in time. I dictated fifteen pages in sixteen minutes, two and a half folios, of twenty-six lines to the page. She transcribed it with great difficulty, but made a transcript which was a passably good one, and one which was used, but I would not advise anybody to dictate so rapidly, particularly with a voice like mine. A person with a lighter voice and a clearer method of enunciation than myself I have no doubt could do as much or even more with safety.

Mr. McLOUGHLIN: You think that is the record, thirty-five pages at the outside?

Mr. WAT. L. ORMSBY: About thirty-five pages. Not the outside; that is what I have done in an hour.

The PRESIDENT: I should say from my experience that it depends almost entirely upon the ability of the dictator to enunciate plainly, which varies according to the tone of one's voice. A person who has a voice that is adapted to making a good record on a graphophone can dictate at a higher rate of speed than another who can probably read his notes just as fast, but if he reads them as fast he would obtain poorer results with the graphophone. It is entirely a matter of voice, but I do not believe from my experience in the office, and what I have seen in dictating, that anybody can dictate and get a good record and good results for the operators at any higher rate of speed than, preferably, about twenty-five or thirty pages an hour, and at the maximum about forty pages, or one hundred folios in an hour. We would like to hear from Mr. Van Demark on that subject.

Mr. VAN DEMARK: What Mr. Ormsby has said is practically my experience. I have found I could dictate under extraordinary pressure fast enough to keep three good operators busy, and they would turn out on an average about ten pages an hour each, or about thirty pages. That is pretty nearly the limit. That is allowing, of course, for the legibility of the notes, some of which you may be able to read very fluently and others you may hesitate a little over, and every delay of five seconds means a whole lot of words.

Mr. DEMMING: Does that mean 7,500 words an hour?

Mr. VAN DEMARK: Yes.

The PRESIDENT: I might say that Mr. Van Demark is one of the most fluent dictators to the graphophone that we have.

Mr. SAMMIS: I would like to say that Mr. Van Demark has exceeded the limit which he says he has made. I have not the least doubt that Mr. Van Demark has run on "daily copy" cases at least thirty-six pages an hour.

Mr. VAN DEMARK: That is so. My attention was not called to it at the time, nor did I take any note of the rapidity of the work, but as you both have occasion to know when I have good clear notes I have no difficulty in dictating to the graphophone at a very rapid gait.

Mr. SAMMIS: I would like to say it depends more on how much work you have to get out than it does on any other consideration. I have dictated 225 pages in one evening and finished before half-past eleven, beginning after court, about half-past four or quarter to five, and cutting my dinner hour down to the lowest possible limit. That was work that had to be finished that night. The succeeding night I had about 240 pages to get out, and I told the counsel that it was physically impossible for me in the condition I was to get them out by the next morning. "Well," he said, "I want it all if I can get it, but give me all you can to-night." I went back to the office and got right down to the machine to dictate, knowing that I was to get out all I could, but I did not have to finish it that night. I quit dictating at quarter to twelve, and had reached the enormous record of 120 pages, and I considered that I was dictating as rapidly that night as I was the night before, but it was simply the feeling the night before that the work had to be finished, and if it was not out before twelve o'clock, when our lights go out, I would have to get up very early in the morning and complete it. So that I think that night that I ran over the speed of thirty-five pages an hour, certainly for a good part of the time. I had four operators working, and all good ones.

Mr. WAT. L. ORMSBY: I want to call attention to this fact that should be considered: when we say twenty-five pages an hour it means 250 words to the page. A person ought to dictate twenty-five pages an hour and give the necessary directions for the making of an intelligent transcript, such as putting in the paragraphs and the more important punctuation, the beginning of quotations, if not the ending, etc., — such things as are necessary to make an intelligent transcript and a good report.

Mr. SAMMIS: If there are any here who do not use a graphophone, and are contemplating using it, I would like to say a word for their benefit from my experience, gained by dictating and then listening to my own dictation. As a matter of fact, when I

started using the graphophone I dictated for a considerable period and then sat down to the typewriter and transcribed my own dictation, and by so doing I found a great many words that conflict in the machine. For instance, the word "ink" closely resembles a grunt: but I have by constant consideration of the thing finally gotten so there are a great many words of that kind that I recognize immediately when I strike them in my notes, and I spell them out. The word "apt" is another; it has absolutely no sound at all in the graphophone. If the dictater will listen to the dictation sufficiently they will find they can minimize the difficulties which the operators find in transcribing their dictation. There are those who dictate in Mr. Ormsby's office who invariably fail to make known what the initial letter is, whether an "f" or an "s," or that sort of thing, that cannot be distinguished, and they do not think of the thing at all, but rush right along with it, while others hiss the "s" on the plural word instead of announcing it is the plural. Sometimes the operators catch it, but there is no certainty that they will. As you give more attention to those things I think you acquire the faculty of thinking and reading faster. When I first started to dictate to the graphophone I could not dictate any faster than I dictated to a typewriter, but I can dictate much faster now, and it is one of the hardest things for me to read my notes in the court room down to the low rate of speed that they require, and I have frequently been asked to read slower when I read at the rate that I am accustomed to use in dictating, and I find I get mixed up in my notes if I attempt to read at a slower gait.

The PRESIDENT: There is another point I would like to bring out in connection with the use of the graphophone, and that is with the increased facilities the profession is now suffering from an increased demand on the part of lawyers who desire transcripts. Whereas in former days "daily copy" meant the delivery of the copy the next morning at nine o'clock, and it was considered a good delivery, we are now meeting demands gradually narrowing down more and more to an earlier hour. They started in, as they found we had improvements for getting out transcripts, by demanding copy along about eleven or twelve o'clock at night; then it got down to ten, then nine, and now we have got down to eight o'clock at night. In the Peter Power examination, which was turned out in my office, they had the complete transcript, twelve copies, delivered by eight o'clock, all gotten out in a hurry, so that I think the profession in one way by the use of the graphophone has courted considerable trouble for itself.

Mr. DEMMING: While in active practice, Mr. Easton was a remarkably good stenographer, as I have reason to know from

experience with him in state and United States courts, and what he has stated in his paper will have great weight with me in determining this subject.

The PRESIDENT: If there are no further remarks we will pass to the next paper, which is one prepared by Mr. Arthur B. Cook, a former secretary of this Association, and one of the New York stenographers who has had much experience in convention reporting, and he has selected that branch of reporting as his topic. I will request Mr. Carroll to read his paper.

Mr. CARROLL read the same, as follows:

CONVENTION REPORTING.

(A FEW SUGGESTIONS.)

BY ARTHUR BRENTON COOK, OF NEW YORK.

THE suggestions that I have in mind are of the simplest character.

First, be well ahead of time, in order to make sure of proper facilities. Do not rely upon the convention authorities to look after this matter for you. There is always a possibility of their being so occupied as to forget the existence of the stenographer.

Get a small, separate table, if possible. If you are seated at the same table with newspaper men there is no insurance against loud conversation, questions thoughtlessly addressed to the stenographer, and jarring of the table by herculean methods of penmanship.

But it is not enough to guard against interruption by newspaper reporters. We must be prepared for all others, including, perhaps, the very man who has employed us — the secretary, or some other officer of the convention. I have known one of the most intelligent men, the secretary of a great organization, to employ a stenographer to report a convention, and then (of course, absent-mindedly) interrupt him with a question in the very midst of one of the addresses of which he was making a *verbatim* report.

Even where the manuscripts are regularly delivered to an appointed officer of the convention, it is well for the reporter to have a clerk or page always in readiness to obtain from extemporaneous speakers special memoranda or notes referred to by them. The reporter may know that *his* notes are correct, but unless the matter is familiar it is safer to get the notes of the speakers, who often read either inaccurately or *liberally*. The page may also, if well instructed, be helpful at times in repelling attempted invasions of the reporter's stronghold.

Have an understanding with the presiding officer as to whether speakers are all to come to the platform or whether you shall move about the room as may be necessary in order to hear

properly. By reminding the president how much easier it is for the rest of the audience to hear one speaking from the platform, you may succeed in making the sessions pleasanter for not only yourself, but for a great many others.

These thoughts might seem scarcely worthy of contribution, but I present them upon the theory that a convention paper may be chiefly valuable by reason of the discussion to which it gives rise.

The PRESIDENT: I will ask Mr. Senter H. Ormsby to read a paper entitled "Forty-Five Years," prepared by Mr. John E. Norcross.

Mr. ORMSBY read the same, as follows:

FORTY-FIVE YEARS.

BY JOHN E. NORCROSS, OF BROOKLYN.

IT seemed a long look ahead; looking backward it is only a little while. Roll back the years for a space, and glance at a few happenings. Fifty years since Benn Pitman, then a young man of thirty, came to this country and began to teach the art of phonography in Philadelphia. He had rooms on Walnut street, near Washington square. The art was not unknown, for Stephen Pearl Andrews with his partner Boyle had printed text-books, and Professor Booth of the mint had issued a manual. But here was the brother of the inventor with the latest English edition. One of the boy's cousins bought text-books and received instruction from Benn, but the boy never saw him, and after a few months the teacher acted on the advice of Horace Greeley, went west, and made his home in Cincinnati. There he began the issue of that unsurpassed series of text-books, the *Manual and Reporter's Companion*, with the two periodicals, the *Magazine* and the *Reporter*. Phonography had been made a part of the course in the Philadelphia high school, and there in 1855, with Kirkpatrick as the instructor, the boy began his experience with the new method of writing, which it was fondly hoped was to work a revolution in the graphic representation of language. Some older boys of the same school had learned the art from private tutors, and Dennis F. Murphy and John J. McElhone had become famous as skilled reporters of the debates in congress. Small wonder that the boy thought the time might come when he should do the same. He wrote, and learned to read what he had written. Therein lay the greatest difficulty, but it was overcome. His first experience in actual note taking was in furnishing the record of a meeting of prison officials, held at Moyamensing, the famous county jail of Philadelphia. He and a schoolmate did the work, and the penologists were satisfied. Then came a season of newspaper reporting. That was in the early days of 1860. The muttering-

of the storm that was to break upon the country had been heard. and it fell to the lot of the boy to report many of the meetings in that famous political campaign which resulted in the election of Abraham Lincoln. December of that year found him in Washington, and there he had an engagement with Mr. Sutton, who furnished the debates of the senate to the *Globe*. The actual note taking was done by Dennis and James Murphy, who dictated their notes to a staff of transcribers of whom the boy was one. Another was Edward V. Murphy, the present chief of the senate corps. Dennis did most of the note taking, James read from his own notes, and he and Edward read from those of Dennis. Mr. Sutton revised every page of transcript before it went to the compositor. It was not long before the boy proved that he could read Dennis Murphy's notes, which was no great achievement, for they were superbly and mathematically accurate. That was a great epoch. James Buchanan was soon to leave the presidential chair, the secession senators were taking leave of their colleagues in eloquent outpour of language, a new government was being set up at Montgomery, and everything seemed uncertain. A proposition was made to the Murphys to go to Montgomery and undertake the reporting of the debates in the congress which was to meet there. but they declined the offer. Then came a day in February when from the gallery he saw the house and senate in joint meeting open the ballots of the electors for president and vice-president, count the votes, and make the declaration that Abraham Lincoln had been elected president of the United States. Of course everybody knew that in the November preceding, but this was the official declaration of the fact, the formal record as a part of the nation's archives. On the 4th of March, 1861, he stood in front of the capitol, and saw Abraham Lincoln take the oath of office. Stephen A. Douglas was there; he had hoped to take that oath, but instead he held the hat of the man who did. A little earlier in the day from the senate gallery the boy saw Hannibal Hamlin take the oath as vice-president. It was administered by John C. Breckenridge, the retiring vice-president, who stepped from the chair to take his seat as senator from Kentucky, which he was soon to abandon that he might become a soldier of the rebellion. Then the boy left Washington, and helped to do reporting in the legislature at Harrisburg, where he had David Wolfe Brown for a colleague. While there the news came of the firing upon Fort Sumter, and that night the boy worked at the case as a typo. Then came the ordinary work of a newspaper reporter and for a time as war correspondent, during which it was his good fortune to see the famous battle of the Monitor and Merrimac, the first between ironclads. Then followed service as a soldier. The war at an end, he went south and reported the debates of the constitu-

tional convention of Alabama, in the state house where the rebel congress had held its sittings for a time. But the south of that day was not the place for development, and the boy turned his steps northward and came to New York, stopping on the way to see Gen. Grant take the oath as president, March 4, 1869. In New York he found an old-time colleague and fellow-worker, John Russell Young, at one time copy-boy on Forney's newspaper, but then managing editor of the *Tribune*, who gave him employment. But Brooklyn was near by, and a day came when the boy, now a young man and a veteran, found a place with the *Eagle*. The courts were a part of his work. There he became acquainted with Mr. Timothy Bigelow, the reporter of the old-time city court of Brooklyn, when Thompson was judge. When that court was reorganized and an additional stenographer was required there were two candidates. One wrote Gurney, the other wrote Pitman, and it was only natural that the incumbent should prefer a Pitman writer for a co-worker. The city court has become a memory, but it did great work in its time; the Tilton-Beecher case the most famous, the Spicer case perhaps the most dramatic. Years go by, lawyers come and go, some rise to the bench and some drop out of sight, but the stenographer patiently makes his record. The young fellows who did amanuensis work for him are now his associates. There will always be need of the stenographer. Machines can set and distribute type, but they cannot make a record of spoken language. The graphophone will not supplant you until all men speak with due regard to grammar and elocution, and by that time the millenium will be here.

The following paper was then read:

ADVERTISING—WHY NOT?

BY LOUIS E. SCHRADER OF WHEELING, W. VA.

THE question of whether or not a shorthand reporter may advertise and solicit patronage without lowering the dignity of his profession has caused me some little annoyance. The reporting profession is comparatively new, and consequently has not yet received the general recognition and consideration which it deserves. The reporters, therefore, must be careful to maintain the highest professional dignity. For this reason I have hesitated at times to call attention to the fact that I am in the reporting profession and ready and willing to serve the public.

According to old fogey ideas the young physician and the young lawyer must sit quietly in an office and wait for some streak of good fortune to bring him business. He may be competent and reliable in every way, and yet if he is enterprising enough to advertise his special line of practice he is apt to be classed as a

[illegible]

The matter of organizing must be left largely to individual initiative. But it has seem to me that when a short-term effort is at liberty and willing to serve those who may not be able to do so may make that fact known and still not lose respect, self-respect or professional dignity.

The next paper is the last on our programme, and is entitled "His Red Badge of Courage," by Mr. H. A. Brown, of Chicago, and I think it but proper to have this paper read by the member of the committee on programme, who has laboured so hard, and at such a great sacrifice to himself for the good of the world. I think this convention has shown, and that the result of the programme of this meeting is due to the efforts of Mr. L. C. Smith.

Mr. HAT LANSBY read the same, as follows:

HIS RED BADGE OF COURAGE.

FR ALBERT A. BRIGGS, OF BROOKLYN.

The admission of Henry as a stenographer, as in other callings, requires that the aspirant shall be a student before he becomes a practitioner.—an amateur before a professional. Both examinations are entirely normal. It is the step from one to the other that is apt to try his soul.

In the early stages of his education he "sits by" in court, taking notes or watching the other fellow take them; attends lectures and practices upon sermons of a Sunday evening. His sister

reads to him. He even tries to make a mental record of casual conversations. Thus far all is peace.

Then comes a change, the mere announcement of which gives him a slight chill: he is to go into court, all by himself, and take the proceedings. It will be easy, they tell him, because only assault and battery cases and the like will be tried. *Only* assault and battery cases! The implied assurance is a mockery, but he does not know it yet. He does not yet know, nor would he appreciate the information, that the petty criminal cases, railroaded through at high speed, are excellent schooling for him as whipping-in processes. He takes his place at the desk with determination. It being *only* an assault and battery case, the witnesses are Poles, Hungarians, Yiddishers, — anything but straight United States, — with just enough of the English tongue to dispense with the interpreter. Their normal gait is two hundred broken words per minute, or thus it seems to the new stenographer, who is aware that somehow he must get down their utterances, if not their gestures. The court hurries the examination along, for the jail is filled with waiting cases. The stenographer draws upon his energies, knowing that it is now or never; struggles, toils and swelters until he becomes deadly tired in brain and hand. The torrent of words seems to gather headway as the hours pass. Bye and bye he steals a glance at the clock, thinking it must be noon. Only 11 A. M.! If it is going to be like this, he tells himself, he will abandon the business to-morrow. One element of his unhappiness is the apprehension that he may be suddenly called upon to read that which he has written. If only they will leave him alone throughout the day he will gladly sit up all night to unravel the mysteries of his record. Fate, however, has made other arrangements.

As the afternoon wanes he sees hope ahead, namely, the approaching hour of adjournment. A great deal can happen in fifteen or twenty minutes at the close of a day's session. The assault jury, which went out at noon, has not been heard from up to date, and the trial of a burglar is in progress. But at this, the eleventh hour, the assault jury files into court and ranges itself ominously along the opposite side of the room. Somehow the stenographer resents the glance they cast in his direction. The burglary trial is suspended; the clerk inquires of the assault jury if it has agreed upon its verdict, to which the foreman replies that it has not. (Of course it hasn't.) The court asks the foreman if the jurymen desire anything in the way of further instruction, as for instance the reading of the stenographer's minutes. Here the victim glares at the court in dumb reproach. The foreman thinks, now that the judge mentions it, that the reading of such and such evidence would be instructive and helpful, it having been unintelligible when given. This, to quote Mr. Kipling, sets the

gilded roof on the horror. His honor looks bored and directs the stenographer to read, and the raw recruit faces his first real battle. Gladly would he welcome any cataclysm of nature that should change his relation to the situation before him,—as did the man who, seeing one car rushing upon him from the north, another from the south, an automobile from the east and a beer wagon from the west, was rescued at the critical moment by the blowing up of the subway beneath his feet, which landed him far away in a place of safety. No such luck is in store for the scribe. He is well aware that his notes of the morning,—that distant morning which began the present day,—are of such a character that he could not read them readily, even to himself in the seclusion of his office, with plenty of time for the task. How then can he hope to reel off to a full court room a record that would be difficult and halting of perusal under the most favorable circumstances? Possibly even a layman can vaguely imagine the delights of his position. It might be funny, except that shaking knees and a general condition of collapse are not of the ingredients of gaiety. There is just one thing to be done, and, calling to his aid the total sum of all his faculties, mental, physical and moral, he attacks the matter before him. At the hour of adjournment, whatever may have happened in the meantime, he finds himself still alive, with mixed emotions, for it occurs to him that perhaps the worst is over for all time.

It was, in fact, his baptism of fire. It was the crossing of the bridge that leads from theory to practice; the making over of the amateur into the professional,—all in an hour's time. Thenceforth such experiences will recur as part of his daily work, but they will not give him cold chills. He will get accustomed to them and meet them as they come, without inviting nervous prostration as a result.

The PRESIDENT: We have now concluded the reading of all the papers and all the business of the convention except the nomination of officers.

Mr. McLOUGHLIN: Mr. President, we have heard such excellent reports from the delegates who attended the meeting of the National Association in Boston, and most of us, I am sure, are delighted with the measure they took to dispense with the affiliation scheme, because it was a very difficult problem for us to solve, joining the association as we did, and now that that is out of the way I move that it is the sense of this Association that the individual members should join the National Association and give it their hearty support. It is simply a recommendation that we join. (Carried.)

Mr. WAT. L. ORMSBY: I would like to suggest at this point that

the same number of copies of the proceedings be printed as for the last two or three years, as I think there will be considerable demand for the proceedings of a very interesting meeting.

Mr. SAMMIS: I think the paper of Mr. Sweeney will entitle this report to be filed among our books of philosophy, and the paper of Mr. Bigelow certainly will make it a very fitting volume to put on the shelf with our other histories, and I think the number of copies printed should be very large.

Mr. HILL: I have been interested in the National Association for the past few years, as most of you know, but it seems to me there should be some plan for an exchange of the proceedings with the National Association. The New York State Association proceedings of course is a shorthand literary gem of the year, but the National Association is growing, and those of you who attended its convention last week know that its proceedings this year will compare, if you will excuse me for saying it, favorably with your own proceedings, which heretofore has been in a class by itself.

The PRESIDENT: I find by referring to the proceedings that last year Mr. Bishop moved that it be left to the discretion of the executive committee to arrange for exchanging proceedings, not only with the New England Association, with which we already have an arrangement, but with any other state associations that they may choose to negotiate with upon that subject.

Mr. WAT. L. ORMSBY: I renew that motion now, and would add "any other state association." (Carried.)

Mr. DEMMING: As president of the Pennsylvania association, I respectfully ask that you send to our next annual meeting two or three visiting delegates. We meet at Philadelphia, July 15, 1903, and we would welcome a representation from this body in the way suggested.

The PRESIDENT: I would very much like to see a delegation from this Association at the meeting of the Pennsylvania association, which has for many years sent such able delegates to attend our meetings.

Mr. HILL: I move that the president-elect be empowered to name three delegates to attend the convention of the Pennsylvania association next year. (Carried.)

The PRESIDENT: I have appointed as the committee on publication the committee of last year, Messrs. Murray, Rodgers and Griffith.

The committee on legislation I will continue as before, — Messrs. Ruso, Bailey and McLoughlin.

The committee on revision of constitution and by-laws has not prepared a report this year. I suppose it would be proper to continue the present members of it, as they may have a report by the next session, and I will, therefore, re-appoint that committee, Messrs. Law, Ruso and Kelly.

Committee on civil service examinations, Wat. L. Ormsby.

The PRESIDENT: We now come to the report of the committee on nominations. Mr. McLoughlin, the chairman, has presented the report of the committee, which the secretary will read.

The secretary read the same, as follows:

For president, JOHN H. WILSON, of Syracuse;

For vice-president, WAT. L. ORMSBY, of Brooklyn;

For secretary-treasurer, LOUIS LOEWENSTEIN, of Troy;

For librarian, MISS M. JEANETTE BALLANTYNE, of Rochester;

Executive committee, George A. Murray, Albany; Henry L. Beach, Binghamton; A. B. Weaver, Buffalo; Harry S. Van Demark, New York; Irving C. Hutchins, Rochester.

On motion, the report of the committee was accepted and adopted, and the secretary was instructed to cast a ballot for the officers named.

The PRESIDENT: I suppose that ends my duties as your presiding officer, and in closing my labors I sincerely thank you all for the courtesy extended to me, and to add that in stepping back into the ranks I hope to assume the place I have sought in other associations, that of a worker rather than a simple negative position. I trust to do better as a worker than I have as a president.

Mr. McLoughlin moved that the usual amount be allowed the secretary for reporting the proceedings. Carried.

The PRESIDENT: Properly I suppose I should install the new president, but as the new president is not here, we will proceed to install the vice-president, and I will therefore ask Mr. Wat. L. Ormsby to take the chair and respond for both the president and vice-president.

Vice-President-elect WAT. L. ORMSBY, upon assuming the chair, said: As I understand it, the duty of a vice-president is to appear dignified and do nothing, and this will probably be the only opportunity I will have to fulfill those functions, as I very much regret to say that I do not expect to be with you next year. However, I am sure the president you have selected will ably and honorably fulfill his duties, and what may fall to my share I will cheerfully attempt to perform.

I will now call upon Mr. Loewenstein for a few remarks.

Mr. LOEWENSTEIN: Mr. President and members, I thank you for the honor conferred upon me. I will endeavor to discharge my duties to the best of my ability, and trust to merit your approval. I suppose "to the best of my ability" is something like the certificate that is usually put at the end of the testimony, "I hereby certify that the foregoing is a true and correct copy of the testimony taken by me according to the best of my ability," which usually "covers a multitude of sins."

The president requested Mr. Beach to respond on behalf of the executive committee.

Mr. BEACH: Mr. President, the executive committee, I am sure, will endeavor to perform its duties as well as they did during the past year, and as the duty in the past year consisted largely of eating a dinner in New York about the last of December, (and whenever we have a change to eat we always perform our duty,) we will endeavor to do as well in the future as we have in the past.

Upon motion of Mr. Carroll, the convention adjourned.

Upon being notified of his election to the presidency, Mr. Wilson replied under date of September 10th as follows:

I wish to say that I thoroughly appreciate the honor conferred upon me by the members of our Association, but I fear they have made a serious mistake in their selection when there are so many other members of far superior qualifications to fill this position. I accept the office of president, and at the same time bespeak the earnest co-operation of every member of the Association in the work that may come before us.

In Memoriam.

The memorial committee (Messrs. Bishop, Wat. L. Ormsby and Requa) submitted the subjoined:

WILLIAM F. BONYNGE.

Whereas, This Association has lost, since its annual meeting of 1901, in the death of WILLIAM F. BONYNGE, one of its best known members of the official stenographic class;

Whereas, Our lately deceased brother had been known to his closer acquaintances as one of the most indefatigable and faithful workers in the profession; a man whose practice it was for many years to furnish, without aid except that of his amanuenses, records in protracted daily copy cases, at a time when the newest facilities for accomplishing such achieve-

ments were unknown, and when to do so involved a too near absorption of all the hours in the twenty-four. He was a very accomplished writer of the Gurney system of shorthand—as accomplished probably as any in the country—so accomplished that no resort to any of the newer systems, phonographic or other, seemed necessary. He obtained his first practice in the amanuensis school, but about forty years ago began his career as a stenographer in legal proceedings. He was a strong stickler for literalness in reporting; realizing more nearly perhaps than any other prominent law stenographer in New York city the standard advocated by Dr. Zeibig, which was so earnestly combatted by Mr. Desjardins in 1893. He felt that if he furnished a report that was literally accurate, save possibly correcting the most obvious and flagrant grammatical slips, he was doing his duty by his client, was entitled to his thanks, and to prompt payment of his fee; if the client were so unwise as to speak in a style so slipshod that a verbatim reproduction of his remarks did him discredit, that was his lookout—he should have done differently. A prompt liquidator of his own financial obligations he did not look leniently on evasions of such obligations by any one, were he friend or foe. As, reportorially, he was most conspicuously a literalist, so in other respects he may be said to have been a strict constructionist, including with reference to his own obligations of whatever nature, as well as those of others. He was intensely loyal to his friends, and to every relation in which the member of this committee who writes this minute (Mr. Bishop, who knew him intimately) ever had occasion to meet him in or to observe him in. He was a member of the old Law Stenographers' Association of the city of New York. Though he disclaimed all pretension to any talent for oratory, and probably could not have been prevailed upon to respond in the most simple way to any sentiment in public, he was ready to aid in every possible way, and took genuine pride in the postprandial achievements and successes of those of his associates who had talents of that order, was ready, with his money, or any efforts which he considered within the range of his powers, to lend needed assistance. His zest in the doing of his work was contagious; his stamina tireless. The writer remembers often taking notes by his side in the great Erie litigation of thirty odd years ago,—a litigation in which the remedy or device of injunctions was worked to an extent probably never before and never since known—when on affidavits by the stenographer of proceedings before one judge one day, a countervailing, restraining or vacating order was often granted in the evening by another judge in the same district, and served that night or the next morning. He remembers making frequent evening visits with Mr. Bonyng to the house of one of the Messrs. Field,—David Dudley or the son,—and laboring with him over the transcribing jointly of such proceedings for affidavit purposes, and of the almost hilarious spirit in which those evening records were gotten out preparatory to their being sworn to,—for it was a great “game”—played by great lawyers, one against the other; proceedings in which a dozen prominent members of the bar were very likely to appear on either side at any hearing in court,—giving provocation to the witty-

clism of one of our fraternity, perpetrated one morning, Where the *car-case* is, there shall the vultures be gathered together. When he became a member of this association probably it could not count on its rolls a more loyal member, though he did not become a member till after one or two long illnesses had impaired his naturally wiry physical constitution. He was by nature of the heroic mould, and illness could not wholly quench the ardor with which he contemplated working on an important litigation. He had some extraordinary qualities. He purchased a fine residence across the Hudson at about the time when he was engaged as one of the four dally-copy stenographers making the official record in the Beecher trial, and filled it with fine furniture; and until his death, though having his actual domicile in New Jersey, he was able to retain his court position in the State of New York, — an achievement not paralleled, so far as the writer knows, in any other instance.

The taking off of a man of extraordinary native powers must always impress his friends as a catastrophe, and such must have been the feelings of the many acquaintances of Mr. Bonyngé.

Resolved, Therefore, that this Association places on record its appreciation of the character and achievements of this its departed member, this personal friend of a considerable number of us, its sympathy for his family, and its regret at his taking off, though his years were almost full to the allotted term, and he had gathered a not insignificant harvest of the sheaves of life. And further resolved, that a copy of this preamble and resolution be sent to his family.

EDWARD J. M'LOUGHLIN.

Resolved, That in the death of EDWARD J. M'LOUGHLIN, the New York State Stenographers' Association mourn the loss of a promising shorthand writer, his associates a genial spirit, his friends a warm heart, his family an affectionate and devoted son and brother.

Barely thirty-three years of age when he died on May 3rd, 1902, he had filled the position of first official stenographer of Special Sessions, Second Division, since February, 1898, with credit to himself and to the satisfaction of his superiors. The earlier years of his life were given to the theatrical profession. As a member of Augustin Daly's company for several years, his abilities secured for him well merited approbation from the severest of critics as a theatrical manager. Later, with Arthur Rehan, he helped to bring James K. Hackett into prominence as a star. He was a student of Shakespeare, traveled extensively through his own country, Great Britain and the Continent, a lover of nature, beloved of children, of great personal magnetism, gifted with a sense of humor and a ready wit which as an impromptu speaker won the tribute of tears and laughter which are ever the reward of true genius. Above all he was one whose ready sympathy for his fellows raised up for him a host of friends, in business and social and religious life, who will not soon forget EDWARD J. M'LOUGHLIN, actor, official stenog-

rapher, humorist, orator, the loving and sympathetic friend, the affectionate and devoted relative.

Resolved, That a copy of these resolutions be forwarded to the family of EDWARD J. McLOUGHLIN.

WILLIAM W. VAUGHAN.

Whereas, the New York State Stenographers' Association has sustained a most painful loss in the death of our esteemed brother, WILLIAM W. VAUGHAN,

Be it resolved that we find in the life and the work of brother Vaughan an incentive and an exemplar for all the men in our profession. He achieved an enviable distinction as a lawyer and journalist as well as an official stenographer. Early in life he became a member of the bar of the State of New York. Soon afterwards he was appointed official stenographer of the First District Civil Court in the city of New York, and served in that position continuously thereafter until his death. So sound a lawyer was he that he sat upon the bench of that court with the presiding judge, and rarely was a decision rendered without consultation with Mr. Vaughan. Throughout all the many changes of politics in the Borough of Manhattan, for several generations Mr. Vaughan remained the official stenographer of that court. In addition to his stenographic and legal ability he was possessed of a fine general education, considerable literary skill, and as a Welchman retained until his death a familiar knowledge of the language and literature of his native country. During the greater part of his service in the District Court, he not only contributed to two great dailies, but also arranged in legal form valuable to lawyers the decisions of the civil courts in the county of New York for publication in the Law Journal;

Therefore, be it resolved that this association desires to convey to his family the deep sense of loss that the association has sustained in the death of Mr. VAUGHAN.

Be it further resolved that a copy of these resolutions be forwarded to the family of our deceased brother.

THE EVENING AT "RILEY'S."

The annual dinner of the Association differed in many respects from those held in the past, and all who were fortunate enough to be present were unanimous in the opinion that it was one of the most successful in our history. There was an utter absence of formality; not a single dress-suit being seen around the festive board, and every member seemed determined to make the most of the few hours set aside for the purely social feature of the meeting.

The arrangements for the outing were left in the capable hands of George A. Murray, Peter P. McLoughlin and Kendrick C. Hill. These gentlemen put their wise heads together, and decided that instead of consulting the proprietors of any of the big hotels and

arranging for a cut-and-dried ten-course French dinner, made up of dishes with strange names and stranger flavors, they would seek out one of the quiet little inns near the lake, for which Saratoga is famous. They visited a place kept by a quaint little old Irishman named Riley, who is noted for his ability at getting up fish and chicken dinners that would tempt the appetite of the most confirmed dyspeptic crank in the world. Mr. Riley took the committee into his larder and displayed with pardonable pride a most tempting array of spring broilers, bass and trout, all of which had been alive and kicking only a few hours before. It did not take long to come to an arrangement with Mr. Riley, who promised to have everything in readiness at half-past seven, although it was then almost five o'clock.

The committee hastened back to the village, where the clans were gathered together. They were soon comfortably seated in four fine, easy-running three-seated open carriages. The procession was formed and the journey out to Riley's was begun. The drive over the broad avenues of the village proper, and then through the shady lanes of Saratoga, was thoroughly enjoyed. The invigorating air gave every one a fine appetite, and as the equipages arrived at the quaint little lakeside inn there was not a *man* in the party who was not ready to do full justice to the repast.

At eight o'clock the party sat down, and for the next few hours enjoyed themselves as thoroughly as any crowd of congenial spirits possibly can. Extravagant praise was lavished on the committee for their wisdom in selecting Mr. Riley's inn, and the old proprietor's face was wreathed in smiles as he saw the way in which the good things he had prepared were so eagerly disposed of. The edibles were washed down with copious draughts of Saratoga water, and other liquids which had the bubble and sparkle of the Saratoga water, and in addition a vim and bounce that seemed to appeal irresistibly to most of those present.

Of course there was the usual opportune moment when the president, Mr. Sidney C. Ormsby, felt it his duty to arise and make a few happy remarks, and later call upon the various Ciceros and Demostheneses, who in turn were more than willing to turn on their flows of eloquence, in which they gave full vent to their views on subjects pertaining to their craft and other interesting topics. There were no set speeches. No one had been previously warned that he would have to discuss this or that perplexing problem, and so there was a delightful informality about the remarks made by the different speakers.

Mr. Maurice E. McLoughlin, a humorous brother of our ex-president, told many funny stories, which were well received.

Mr. Edward Carroll delivered an eloquent address on "The wide open arms of New York city, and how I fell into them." and

pictured New York as the most hospitable city in the world, not excepting Manila.

Mr. Kendrick C. Hill, assistant postmaster of Trenton, in the state of New Jersey, and also president of the common council of the same town, delivered one of his epigrammatic speeches. Mr. Hill dilated at some length upon the beauties and excellencies of the different states in the union, and then declared that "little New Jersey" beat them all. No one disputed him, as the hour was growing late. Mr. Hill closed his remarks by reciting an original poem, entitled "Trenton on the Delaware."

Mr. Charles H. Requa, the eloquent representative of the Brooklyn contingent, responded to a toast of his own selection, "The ladies, — though absent, they are still with us." Mr. Requa handled his subject in brilliant style, and concluded by promising that Brooklyn would be present in full force at the meeting next year.

Mr. George R. Bishop, emulating the excellent example of brokers on the stock exchange, spoke briefly.

Mr. Arthur Head, of Towanda, Pa., told several "new" jokes: Mr. H. C. Demming invited everybody to Philadelphia in 1903, and Messrs. Wat. L. Ormsby, Robert R. Law, Peter P. McLoughlin, Senter H. Ormsby, Harry S. Van Demark, Geo. A. Murray, Whitefield Sammis, Charles C. Beale, and Patrick J. Sweeney made short talks.

The drive back to Saratoga in the cool, crisp night air will linger long in the memory of those who participated in it, and as the youngest and slangiest member of the party remarked, "That dinner was a lulu, and if next year's beats it, it will have to be a cracker-jack, and don't let Time's eraser rub that out of your memory book."

OFFICERS FOR 1902-1903.

PRESIDENT.

John H. Wilson, - - - - - Syracuse.

VICE-PRESIDENT.

Wat. L. Ormsby, - - - - - Brooklyn.

SECRETARY-TREASURER.

Louis Loewenstein, - - - - - Troy.

LIBRARIAN.

Miss M. Jeanette Ballantyne, - - - Rochester.

EXECUTIVE COMMITTEE.

George A. Murray, Chairman, Albany.
 Henry L. Beach, Binghamton. Harry S. Van Demark, New York.
 A. B. Weaver, Buffalo. Irving C. Hutchins, Rochester.
 The President, *ex-officio*.

EXAMINING COMMITTEE.

First District,	Whitefield Sammis,	New York.
Second District,	Peter P. McLoughlin,	Brooklyn.
Third District,	Alvin E. Mambert,	Troy.
Fourth District,	Henry W. Thorne,	Johnstown.
Fifth District,	John C. Uhlein,	Watertown.
Sixth District,	Theodore C. Rose,	Elmira.
Seventh District,	Thomas R. Griffith,	Rochester.
Eighth District,	Charles H. Bailey,	Buffalo.

CONVENTION COMMITTEES.

NOMINATION OF OFFICERS.

Peter P. McLoughlin, Whitefield Sammis, Charles H. Requa.

PLACE OF MEETING.

George R. Bishop, Miss M. Jeanette Ballantyne, Louis Loewenstein.

ADMISSION OF NEW MEMBERS.

H. S. Van Demark, Senter H. Ormsby, George A. Murray.

PUBLICATION COMMITTEE.

George A. Murray, Spencer C. Rodgers, Thomas R. Griffith.

LEGISLATION.

James M. Ruso, Charles H. Bailey, Peter P. McLoughlin.

REVISION OF CONSTITUTION AND BY-LAWS.

Robert R. Law, James M. Ruso, John E. Kelly.

CIVIL SERVICE EXAMINATIONS.

Wat. L. Ormsby.

ON DECEASED MEMBERS.

George R. Bishop, Wat. L. Ormsby, Charles H. Requa.

OFFICERS N. Y. S. S. A.*

PRESIDENT.

1876-77	W. W. Osgoodby.
1877-78	W. W. Osgoodby.
1878-79	P. Deming.
1879-80	S. C. Rodgers.
1880-81	*C. G. Tinsley.
1881-82	Geo. H. Thornton.
1882-83	Geo. R. Bishop.
1883-84	Theo. C. Rose.
1884-85	A. P. Little.
1885-86	*Wm. H. Slocum.
1886-87	*W. O. Wyckoff.
1887-88	E. B. Dickinson.
1888-89	B. Moynahan.
1889-90	Henry L. Beach.
1890-91	Thos. R. Griffith.
1891-92	S. C. Rodgers.
1892-93	Geo. R. Bishop.
1893-94	Theo. C. Rose.
1894-95	Chas. F. King.
1895-96	Geo. H. Thornton.
1896-97	Robert R. Law.
1897-98	Peter P. McLoughlin.
1898-99	Peter P. McLoughlin.
1899-1900	John E. Kelly.
1900-1901	William P. Cherry.
1901-1902	Sidney C. Ormsby.
1902-1903	John H. Wilson.

VICE-PRESIDENT.

*W. O. Wyckoff.
*W. O. Wyckoff.
D. C. McEwen.
*Wm. H. Slocum.
*Worden E. Payne.
Fred M. Adams.
A. P. Little.
B. Moynahan.
James M. Ruso.
Henry L. Beach.
Geo. C. Appel.
John B. Murray.
Thos. R. Griffith.
Chas. L. Guy.
Mrs. C. E. Brockway.
Geo. H. Thornton.
Chas. F. King.
Benj. W. Readshaw.
Norman P. Heffley.
Mrs. Clara A. White.
Peter P. McLoughlin.
Irving C. Hutchins.
A. B. Weaver.
W. P. Cherry.
Sidney C. Ormsby.
Charles H. Bailey.
Wat. L. Ormsby.

SECRETARY-TREASURER.

1876-77	*C. G. Tinsley.
1877-78	*C. G. Tinsley.
1878-79	*William F. Duffield.
1879-80	Theo. C. Rose.
1880-81	Geo. H. Thornton.
1881-82	A. L. Woodward.
1882-83	Thomas H. Griffith.
1883-84	Herbert A. Briggs.
1884-85	M. Jeanette Ballantyne.
1885-86	Harvey Husted.
1886-87	*Wm. S. Kershner, (Theo. C. Rose.)
1887-88	Theo. C. Rose.
1888-89	Henry L. Beach.
1889-90	*Mrs. E. F. Rowley.
1890-91	Mrs. Clara A. White.
1891-92	Irving C. Hutchins.
1892-93	Wm. Loeb, Jr.
1893-94	Etta A. Emens.
1894-95	Kendrick C. Hill.
1895-96	Kendrick C. Hill.
1896-97	Kendrick C. Hill.
1897-98	Kendrick C. Hill.
1898-99	Arthur B. Cook.
1899-1900	Arthur B. Cook.
1900-1901	George A. Murray.
1901-1902	George A. Murray.
1902-1903	Louis Loewenstein.

LIBRARIAN—1885-93 Mrs. Eliza B. Burnz.
 1893-03 Miss M. Jeanette Ballantyne.

*Deceased.

ACTIVE MEMBERS.*

Agan, Lillian E.,	- - - - -	Penn Yan
Bailey, Charles H.,	- - - - -	1093 Ellicott Square, Buffalo
Baker, Fred A.,	- - - - -	Criminal Court Building, New York
Ballantyne, Miss M. Jeanette,	- - - - -	416 Powers Building, Rochester
Barnum, Charles,	- - - - -	Monticello
Beach, Henry L.,	- - - - -	Binghamton
Beard, Frank S.,	- - - - -	Criminal Court Building, New York
Benton, L. A.,	- - - - -	Hornellsville
Betts, George L.,	- - - - -	County Court House, Brooklyn
Bigelow, Timothy,	- - - - -	Room 49, County Court House, Brooklyn
Bishop, George R.,	- - - - -	New York Stock Exchange, New York
Blackman, J. K.,	- - - - -	290 Broadway, New York
Bonynge Clarence,	- - - - -	St. Paul Building, New York
Booth, William C.,	- - - - -	Temple Court, 5 Beekman St., New York
Brice, David N.,	- - - - -	112 State St., Albany
Briggs, Herbert A.,	- - - - -	County Court House, Brooklyn
Browne, William M.,	- - - - -	Municipal Court, 2nd Dist., Bronx, New York
Bull, Clifton B.,	- - - - -	Court House, Chambers St., New York
Carey, John B.,	- - - - -	Room 49, Court House, Brooklyn
Carroll, Edward, Jr.,	- - - - -	56 Pine St., New York
Carroll, L. A.,	- - - - -	Binghamton
Chaffee, W. G.,	- - - - -	Phonographic Institute, Oswego
Chapin, Robert C.,	- - - - -	99 White Building, Buffalo
Cherry, William P.,	- - - - -	Room 49, County Court House, Brooklyn
Cleary, D. J.,	- - - - -	Plattsburgh
Cloyd Edwin C.,	- - - - -	84 Pine St., New York
Comstock, William A.,	- - - - -	Court House, Syracuse
Cook, Arthur B.,	- - - - -	Drexel Building, New York
Cotter, John,	- - - - -	County Court House, New York
Cragin, Irving F.,	- - - - -	79 White Building, Buffalo
Crossman, T. E.,	- - - - -	1829 Park Row Building, New York
Donnelly, James A.,	- - - - -	Surrogate's Court, New York
Earle, Charles F.,	- - - - -	Court House, Syracuse
Emens, Etta A.,	- - - - -	833 Powers Building, Rochester
Emens, Cora M.,	- - - - -	833 Powers Building, Rochester
Findlay, Charles S.,	- - - - -	6 Lee Ave., Brooklyn
Flack, George F.,	- - - - -	32 Franklin St., New York
Fitzgerald, W. F.,	- - - - -	Schenectady
Griffith, Thomas R.,	- - - - -	409 Powers Building, Rochester
Gulick, Mrs. Nellie C. A.,	- - - - -	Geneva
Hefley, Norman P.,	- - - - -	242 Ryerson St., Brooklyn
Hill, Frank A.,	- - - - -	Salem
Hill, Kendrick C.,	- - - - -	Trenton, N. J.
Hutchins, Irving C.,	- - - - -	409 Powers Building, Rochester
Joyce, Charles J.,	- - - - -	County Court House, Brooklyn
July, Richard F.,	- - - - -	320 Broadway, New York
Keenan, Francis J.,	- - - - -	Criminal Court Building, New York

Keece, James E.,	- - - - -	32 Franklin St., New York
Kelly, John E.,	- - - - -	136 First St., Troy
Kelly, M. J.,	- - - - -	72 Tribune Building, New York
Ketchum, John A.,	- - - - -	Syndicate Building, Patchogue
Kiesel, George C.,	- - - - -	Temple Court, 5 Beekman St., New York
King, Charles F.,	- - - - -	134 Glen St., Glens Falls
Lammert, H. C.,	- - - - -	539 Bergen St., Brooklyn
Law, Robert R.,	- - - - -	Cambridge
Liddell, Stewart, Jr.,	- - - - -	151 E. 40th St., New York
Little, A. P.,	- - - - -	409 Powers Building, Rochester
Loewenstein, Louis,	- - - - -	Court House, Troy
Loughlin, Peter J.,	- - - - -	County Court House, New York
McEntee, Edward C.,	- - - - -	161 Jay St., Albany
McEwen, Daniel C.,	- - - - -	160 Stirling Place, Brooklyn
McLoughlin, Peter P.,	- - - - -	32 Franklin St., New York
Mambert, Alvin E.,	- - - - -	Court House, Troy
Martin, John P.,	- - - - -	277 Broadway, New York
Mason, Wm. L.,	- - - - -	85 W. 21st St., New York
Miller, Charles M.,	- - - - -	1183 Broadway, New York
Morgan, Fred J.,	- - - - -	Court House, Syracuse
Morrison, Charles A.,	- - - - -	Court House, Chambers St., New York
Moore, Sarah A.,	- - - - -	314 Baldwin St., Elmira
Moore, James P.,	- - - - -	Surrogate's Court, Buffalo
Moynahan, Bartholoniew,	- - - - -	120 Broadway, New York
Munson, George W.,	- - - - -	Rochester
Murdock, Herbert L.,	- - - - -	Court House Annex, Elmira
Murray, George A.,	- - - - -	Tweddle Building, Albany
Murray, John B.,	- - - - -	Delhi
Newell, Wilbur B.,	- - - - -	Court House, Syracuse
North, J. B.,	- - - - -	Fort Edward
Norcross, John E.,	- - - - -	County Court House, Brooklyn
O'Callaghan, C. J.,	- - - - -	150 Nassau St., New York
O'Dowd, Farrell F.,	- - - - -	150 Nassau St., New York
O'Neill, Louis F.,	- - - - -	County Building, Albany
Ormsby, Senter H.,	- - - - -	Room 49, County Court House, Brooklyn
Ormsby, Sidney C.,	- - - - -	150 Nassau St., New York
Ormsby, Wat. L.,	- - - - -	Room 49, County Court House, Brooklyn
Ormsby, Waterman L., Jr.,	- - - - -	2116 5th Ave., New York
Osborne, Thomas W.,	- - - - -	32 Franklin St., New York
Osgoodby, Wm. W.,	- - - - -	717 Powers Building, Rochester
Pagan, C. F. H.,	- - - - -	800 Mulberry St., New York
Parsons, Clarence A.,	- - - - -	57 P. O. Building, New York
Philips, Rowland W.,	- - - - -	120 Broadway, New York
Potts, John R.,	- - - - -	14 Vesey St., New York
Readshaw, Benj. W.,	- - - - -	128 Bird Ave., Buffalo
Redfern, Caleb H.,	- - - - -	257 W. 44th St., New York
Requa, Charles H.,	- - - - -	Room 49, County Court House, Brooklyn
Richards, John W.,	- - - - -	6 Lee Ave., Brooklyn
Ridgway, Miss A. K.,	- - - - -	145 Broadway, New York
Robbins, Edwin N.,	- - - - -	County Court House, New York
Rodgers, Spencer C.,	- - - - -	115 Oakwood Ave., Troy
Rose, Theodore C.,	- - - - -	Court House Annex, Elmira
Ruso, James M.,	- - - - -	Tweddle Building, Albany

Ryan, Richard W.,	- - - - -	150 Nassau St., New York
Sackett, A. B.,	- - - - -	- - - Canandaigua
Sammis, Whitefield,	- - - - -	150 Nassau St., New York
Shalvey, Edward J.,	- - - - -	31 Nassau St., New York
Smith, Isaac H.,	- - - - -	- - - Peekskill
Smith, Thomas F.,	- - - - -	8th Av., and 23rd St., New York
Smith, Carroll F.,	- - - - -	192 Lancaster St., Albany
Soule, Herbert C.,	- - - - -	717 Powers Building, Rochester
Standfast, John,	- - - - -	County Court House, New York
Sweeney, Patrick J.,	- - - - -	150 Nassau St., New York
Teller, Miss Claribel,	- - - - -	- - - Seneca Falls
Thomas, William M.,	- - - - -	Attorney-General's Office, Albany
Thorne, Henry W.,	- - - - -	- - - Johnstown
Tinkham, Charles F.,	- - - - -	150 Nassau St., New York
Tombo, Dr. Rudolf,	- - - - -	587 Walton Ave., New York
Uhlein, John C.,	- - - - -	- - - Watertown
Van Demark, Harry S.,	- - - - -	150 Nassau St., New York
Van Valkenburgh, Willis,	- - - - -	15 Broad St., New York
Vickery, Miles S.,	- - - - -	St. James Bldg, 26th St. & B'way, New York
Walsh, Richard W.,	- - - - -	86 White Building, Buffalo
Warburton, Fred. J.,	- - - - -	Tribune Building, New York
Weatherly, T. L.,	- - - - -	150 Nassau St., New York
Weaver, A. B.,	- - - - -	2 Erie Co. Bank Building, Buffalo
Weyant, M. V. R.,	- - - - -	25 Broad St., New York
White, Mrs. Clara A.,	- - - - -	Chemung Bank Building, Elmira
Wilson, John H.,	- - - - -	County Clerk's Office Building, Syracuse
Wood, Harry W.,	- - - - -	126th St. and Columbus Ave., New York
Woodle, Leopold,	- - - - -	149 Broadway, New York
Wortman, Wm.,	- - - - -	- - - Hudson
Young, Charles P.,	- - - - -	54 William St., New York
Zieger, George,	- - - - -	170 E. 121st St., New York

HONORARY MEMBERS.*

Angus, George,	- - - - -	Toronto
Bacon, James P.,	- - - - -	Boston
Beale, Chas. Currier,	- - - - -	Court House, Boston
Bender, Charles H.,	- - - - -	Circuit Court, Grand Rapids
Bengough, Thomas,	- - - - -	79 Adelaide St., E., Toronto
Benham, Miss Katharine E.,	- - - - -	Burlington, Vt
Bennett, J. L.,	- - - - -	410 Opera House Block, Chicago
Bowman, John G.,	- - - - -	627 Walnut St., Philadelphia
Bridge, William D.,	- - - - -	Orange, N. J
Brown, David Wolfe,	- - - - -	1702 Oregon Ave., Washington
Burbank, Miss Cora Elisabeth,	- - - - -	Tremont Building, Boston
Burnz, Mrs. Eliza B.,	- - - - -	New York
Burt, Frank H.,	- - - - -	1046 Tremont Building, Boston
Butcher, Nelson R.,	- - - - -	Toronto
Davies, H. J.,	- - - - -	Cleveland
Dement, Isaac S.,	- - - - -	Chicago
Deming, Philander,	- - - - -	12 Jay St., Albany
Demming, Henry C.,	- - - - -	15 North 3d St., Harrisburg
Desjardins, Alphonse,	- - - - -	Levis, Canada
Devine, Andrew,	- - - - -	135 Broadway, New York
Duke, Buford,	- - - - -	Nashville, Tenn
Dunlop, N. Stewart,	- - - - -	Toronto
Dyer, Oliver,	- - - - -	Warren, R. I.
Easton, Edw. D.,	- - - - -	185 Broadway, New York
Gage, Miss Jane A.,	- - - - -	Saginaw, Mich.
Gardiner, Edwin R.,	- - - - -	Providence, R. I.
Gardner, Stanley,	- - - - -	McKeesport, Pa.
Gnichtel Frederick W.,	- - - - -	122 East State St., Trenton, N. J.
Goodner, Ivan W.,	- - - - -	Pierre, S. D.
Head, Arthur,	- - - - -	Towanda, Pa.
Hemperley, Francis H.,	- - - - -	410 Drexel Building, Philadelphia
Hitchcock, George F.,	- - - - -	Minneapolis
Horton, Albert,	- - - - -	Toronto
Horton, Edward E.,	- - - - -	Toronto
Howard, Jerome B.,	- - - - -	Cincinnati
Ireland, Fred.,	- - - - -	House of Representatives, Washington
McGurkin, Frank E.,	- - - - -	Salt Lake City
Meigs, Charles H.,	- - - - -	New Haven
Mimms, John H.,	- - - - -	St. Albans, Vt.
Mitchell, Robert W.,	- - - - -	Portland, Ore.
Murphy, E. V.,	- - - - -	United States Senate, Washington
Pal, D. N.,	- - - - -	8 Clive St., Calcutta, India
Patterson, Mrs. S. Louise,	- - - - -	Cleveland
Pitman, Benn,	- - - - -	Cincinnati
Ritchie, John,	- - - - -	Chicago
Rockwell, Julius Ensign,	- - - - -	Washington, D. C.

Rockwell, Irvin E.,	- - - - -	Chicago
Schrader, Louis E.,	- - - - -	Court House, Wheeling, W. Va.
Shinghaw, D. N.,	- - - - -	Simla Hills, India
Smith, Henry T.,	- - - - -	Toronto
Small, Reuel,	- - - - -	502 Forest Ave., Portland, Me.
Salter, W. H. Gurney,	- 26 Abingdon St.,	Westminster, S. W., London
Shuey, Theo. F.,	- - - - -	United States Senate, Washington
Thornton, William H.,	- - - - -	572 Magna St., Buffalo
Walch, Henry F.,	- - - - -	Grand Rapids, Mich.
Walker, Clarence E.,	- - - - -	Louisville, Ky.
Whitford, Wm.,	- - - - -	Columbus Memorial Building, Chicago
Wright, William B.,	- - - - -	Tremont Building, Boston
Zeibig, Julius W.,	- - - - -	Dresden, Saxony

The following meetings of the Association have been held since the original call of August 18, 1876:

1. Syracuse, August 26, 1876.
2. Ithaca, August 20, 1877.
3. Rochester, August 21 and 22, 1878.
4. Saratoga Spa, August 20 and 21, 1879.
5. Syracuse, August 19 and 20, 1880.
6. Buffalo, August 24 and 25, 1881.
7. New York, August 1 and 2, 1882.
8. Watkins, August 21 and 22, 1883.
9. Laurel House, Greene County, August 19, 1884.
10. Niagara Falls, August 18 and 19, 1885.
11. Caldwell, August 17 and 18, 1886.
12. Alexandria Bay, August 16 and 17, 1887.
13. Caldwell, August 21 and 22, 1888.
14. Alexandria Bay, August 20 and 21, 1889.
15. Mountain House, Greene County, August 19 and 20, 1890.
16. Rochester, August 18 and 19, 1891.
17. Saratoga Spa, August 25 and 26, 1892.
18. Niagara Falls, August 24 and 25, 1893.
19. West Point, August 23 and 24, 1894.
20. New York, August 22 and 23, 1895.
21. Syracuse, August 27 and 28, 1896.
22. Ontario Beach, August 26 and 27, 1897.
23. Albany, August 25 and 26, 1898.
24. Elmira, August 24 and 25, 1899.
25. Brooklyn, August 23 and 24, 1900.
26. Buffalo, August 22, 1901.
27. Saratoga Spa, August 28 and 29, 1902.

Constitution and By-Laws.

The following is the Constitution and By-Laws adopted August 20th, 1879, with subsequent amendments:

CONSTITUTION.

ARTICLE I. — NAME.

SECTION 1. The name of this society shall be "THE NEW YORK STATE STENOGRAPHERS' ASSOCIATION."

ARTICLE II. — OBJECTS.

SECTION 1. This Association is organized for the purpose of establishing and maintaining a proper standard of efficiency in the profession, and of uniting in fellowship the stenographers of the state of New York.

ARTICLE III. — MEMBERS.

SECTION 1. Any reputable stenographer shall be eligible to membership under the rules hereinafter provided.

SEC. 2. No person actively engaged in the profession, who is a resident of this state, shall be elected to honorary membership in this Association.

ARTICLE IV. — OFFICERS.

SECTION 1. The officers of the Association shall be a president, a vice-president, a secretary and treasurer, a librarian, and an executive committee of five. Such officers shall be elected at the annual meetings of the Association.

SEC. 2. An examining committee, consisting of one from each judicial district, shall be appointed by the incoming president at each annual meeting of the Association.

SEC. 3. The president, or in his absence the vice-president, or in the absence of both, one of the members, shall preside at all meetings of the Association. The president shall be *ex-officio* a member of the executive committee.

SEC. 4. The duties of the president, vice-president and secretary shall be those usually pertaining to those offices. The secretary shall also act as treasurer. It shall be the duty of the executive committee to audit all bills, to levy assessments for defraying the necessary expenses of the Association, and to act generally upon

all questions affecting the interests of the profession, intermediate the meetings of the Association, and whenever a majority of the committee deem it necessary they may call special meetings.

SEC. 5. The treasurer shall have the custody of the funds of the Association, and shall pay all bills audited and allowed by the executive committee.

ARTICLE V. — PROPOSAL AND ELECTION OF MEMBERS.

SECTION 1. The name of any applicant for membership may be proposed at any time by a member of the Association to any one of the examining committee.

SEC. 2. It shall be the duty of such member of the examining committee to subject the applicant to the following tests:

First — The applicant shall be fairly tried as to his speed of writing. If he fail to write legibly, at the rate of 150 words per minute, matter never before written by him, for five consecutive minutes, his application shall be rejected.

Second — If this preliminary test be successfully passed, the applicant shall be fairly tried in actual reporting, and the result of such trial, including a specimen of his notes and a transcript thereof, shall be submitted to the other members of the committee.

Third — If the provisions of the tests have been satisfactorily complied with, the applicant shall be entitled to the privileges and benefits of membership, but shall not be fully admitted until he shall have received two-thirds of the votes of the members present at the next regular meeting of the Association.

SEC. 3. All elections shall be by ballot.

SEC. 4. The tests hereby specified may be waived in the case of a stenographer of well-known or sufficiently vouched for competency, of good moral character and business integrity, and upon the unanimous vote of the active members present at any regular meeting, such stenographer shall be admitted to full membership.

SEC. 5. The proceedings of this committee shall be deemed confidential, and shall be kept secret, except so far as written or printed reports of the same shall be necessarily or officially made to the Association.

SEC. 6. The executive committee of the Association, together with one member of the examining committee, (such member of the examining committee to be from the district of which the candidate for membership shall be a resident,) shall be empowered, *ad interim*, to consider the application of and admit new members to the Association, with the same force and effect as though they had been elected by the Association in annual meeting, the member so elected to pay annual dues for the year then current.

ARTICLE VI. — COMMITTEE ON GRIEVANCES.

SECTION 1. The committee on grievances shall be composed of the same members as comprise the executive committee, and may receive and hear all complaints preferred by any member against any other member for unprofessional conduct in his relations to the Association, or any member of the same, provided the same be in writing, plainly and specifically stating the matter complained of, and subscribed by the complainant.

SEC. 2. The committee may also, in their discretion, hear any specific complaint which may be made to them by any member in writing, affecting the interest of the stenographic profession or the practice of shorthand; and may report thereon to the Association, with such recommendations as they may deem advisable.

SEC. 3. All complaints so made shall be considered and disposed of by the committee in the manner provided in the by-laws.

SEC. 4. The proceedings of this committee shall be deemed confidential, and kept secret, except so far as written or printed reports of the same shall be necessarily and officially made to the Association.

ARTICLE VII. — OTHER COMMITTEES.

SECTION 1. The association may provide, in its by-laws, for other committees, and each committee shall at each stated annual meeting report a summary of its proceedings since its last annual report (except such matters as the constitution or by-laws require to be kept secret,) together with any suggestions deemed suitable and appertaining to its powers, duties or business.

SEC. 2. A general summary of all such annual reports, and of the proceedings of the annual meetings shall be prepared and printed by and under the direction of the executive committee; also, the constitution and by-laws, as then existing, name and residence of officers, committees, and members of the Association, as soon as practicable after each annual meeting.

ARTICLE VIII. — LIABILITIES.

SECTION 1. No officer, committee, or other person, shall have power to make the Association liable for any debt amounting to more than one-half of the excess of money in the treasurer's hands, beyond that required to meet prior liabilities, nor to make any contract binding personally upon any member of the Association.

ARTICLE IX. — MEETINGS.

SECTION 1. There shall be an annual meeting of the Association, held at such place in the state as may be designated at the preceding meeting, on the fourth Thursday in August, and such adjourned meetings as the Association, by a vote of three-fourths of all

present, may determine, and at any such adjourned meeting any business of the Association may be transacted, except the election of officers.

SEC. 2. Special meetings may be called at any time by the president or executive committee, of their own motion, and shall be called by the secretary, upon the request of ten members, in writing, specifying the purpose thereof. At such special meeting no business shall be transacted, except such as shall be specified in the notice thereof. At every meeting of the Association the presence of nine members shall be necessary to constitute a quorum.

SEC. 3. The president of the Association shall call a meeting of the executive committee within thirty days after the adjournment of the annual convention at which they have been elected; and at such meeting the executive committee shall organize by the election from their number of a chairman who shall preside at all meetings of that committee; and of a secretary who shall keep a correct record of the proceedings of such meetings. In case any member of the executive committee is unable to attend a meeting of that committee, he may send his duly executed proxy to any active member of the Association, who may represent him at such meeting.

ARTICLE X. — EXPULSION.

SECTION 1. Any active member may be suspended or expelled for unprofessional conduct in his relations to the Association or toward any member of the same, after conviction thereof by such method of procedure as may be prescribed by the by-laws. Any honorary member may be suspended by unanimous vote of those present at any annual meeting; and all interest in the property of the Association of persons ceasing to be members by expulsion, resignation or otherwise, shall thereupon vest absolutely in the Association.

ARTICLE XI. — ELECTION OF OFFICERS.

SECTION 1. The election of officers shall take place at the annual meetings of the Association to be held on the fourth Thursday in August in each year.

SEC. 2. The terms of office shall continue for one year, or until their successors shall be elected.

SEC. 3. Should any office, except that of president, become vacant before the close of the term of office, it shall be filled by appointment by the executive committee.

ARTICLE XII. — CONSTITUTION.

SECTION 1. This constitution shall go into effect immediately, and may be amended by a two-third vote of the members present at any annual meeting.

BY-LAWS.

ARTICLE I. -- PRESIDING OFFICERS.

SECTION 1. The president, and in his absence, the vice-president, shall preside at all meetings of the Association. If neither of these officers be present, a president *pro tem.* shall be chosen by and from the attending members.

SEC. 2. Nine members of the Association shall constitute a quorum at any regular or special meeting.

ARTICLE II. — ORDER OF BUSINESS.

SECTION 1. At annual and adjourned meetings, after the appropriate opening thereof, the order of business will be:

1. Reading of the minutes of the preceding meeting.
2. Nominations for membership.
3. Report of executive committee.
4. Report of treasurer.
5. Report of committee on admissions.
6. Election of members.
7. Election of officers.
8. Reports of other committees.
9. Reading of papers.
10. Miscellaneous business.

This order of business may be changed, at any meeting, by vote of a majority of the members present. Except as otherwise provided by the constitution and by-laws, the usual parliamentary rules and orders will govern proceedings.

ARTICLE III. — FEES AND EXPENSES.

SECTION 1. No fee shall be required from members. The expenses of the Association shall be paid out of a fund to be collected by assessment to be levied by the executive committee, from time to time, as may be necessary.

ARTICLE IV. — ELECTION OF MEMBERS.

SECTION 1. If any person elected does not, within three months after notice thereof, signify his acceptance, he shall be regarded as declining to become a member.

ARTICLE V. — NONPAYMENT OF DUES.

SECTION 1. If any member fail to pay the amount of his assessment within sixty days after notice by mail shall have been served upon him by the secretary, it shall be the duty of the secretary to serve upon him, by mail, an additional notice, that, unless the same be paid within one month thereafter, the name of such mem-

ber shall be stricken from the rolls; and, in default of payment at or before the expiration of that time, his membership and all rights in respect thereof shall cease. But upon his written application, satisfactorily explaining the default, and upon the payment of all dues to the date of such application, the executive committee shall have power to reinstate such defaulting members.

ARTICLE VI. — THE COMMITTEE ON GRIEVANCES.

SECTION 1. Whenever a complaint is presented to the committee, if the committee shall be of opinion that the matters alleged are of sufficient importance, they shall cause to be served upon the person complained of a copy of such complaint, and not less than thirty days' notice of the time and place of investigation, and cause similar notice to be served on the complainant. The answer or defense to such complaint must be in writing. Upon the noticed hearing, each party shall be heard by the committee, or a sub-committee appointed for the purpose by the chairman of the executive committee. After hearing the case, the proceedings, together with the conclusions of the committee, shall be transmitted to the secretary, who shall present the same at the succeeding annual meeting. If, upon such report, the charges shall be sustained by a two-third vote of those present, the accused may be reprimanded, suspended or expelled, at the option of the Association.

ARTICLE VII. — SESSIONS OF THE ASSOCIATION.

SECTION 1. The sessions of the Association shall be held with closed doors, unless otherwise ordered.

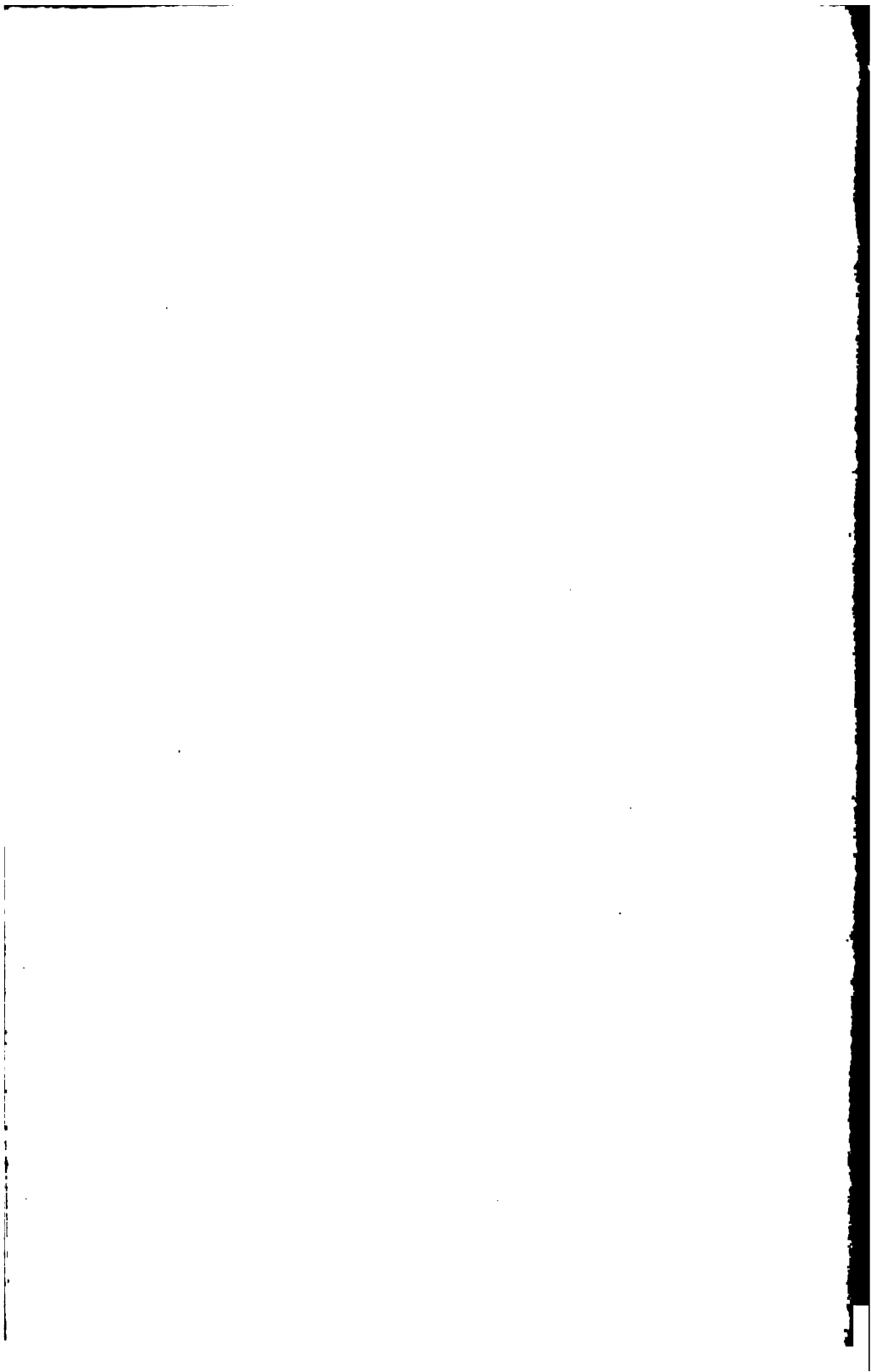
ARTICLE VIII. — AMENDMENT OF BY-LAWS.

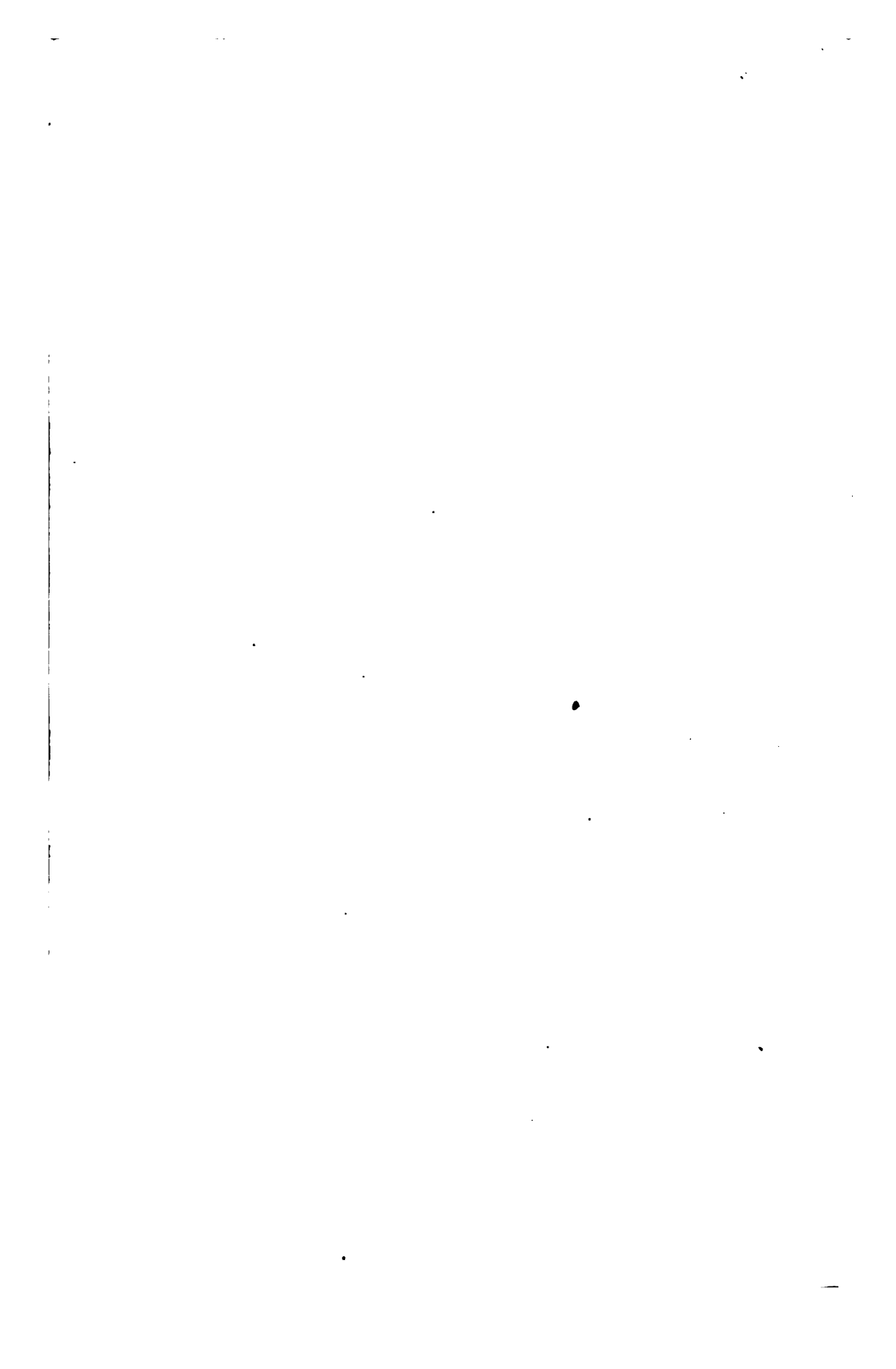
SECTION 1. These by-laws may be amended by a two-third vote of the members present at any annual meeting.



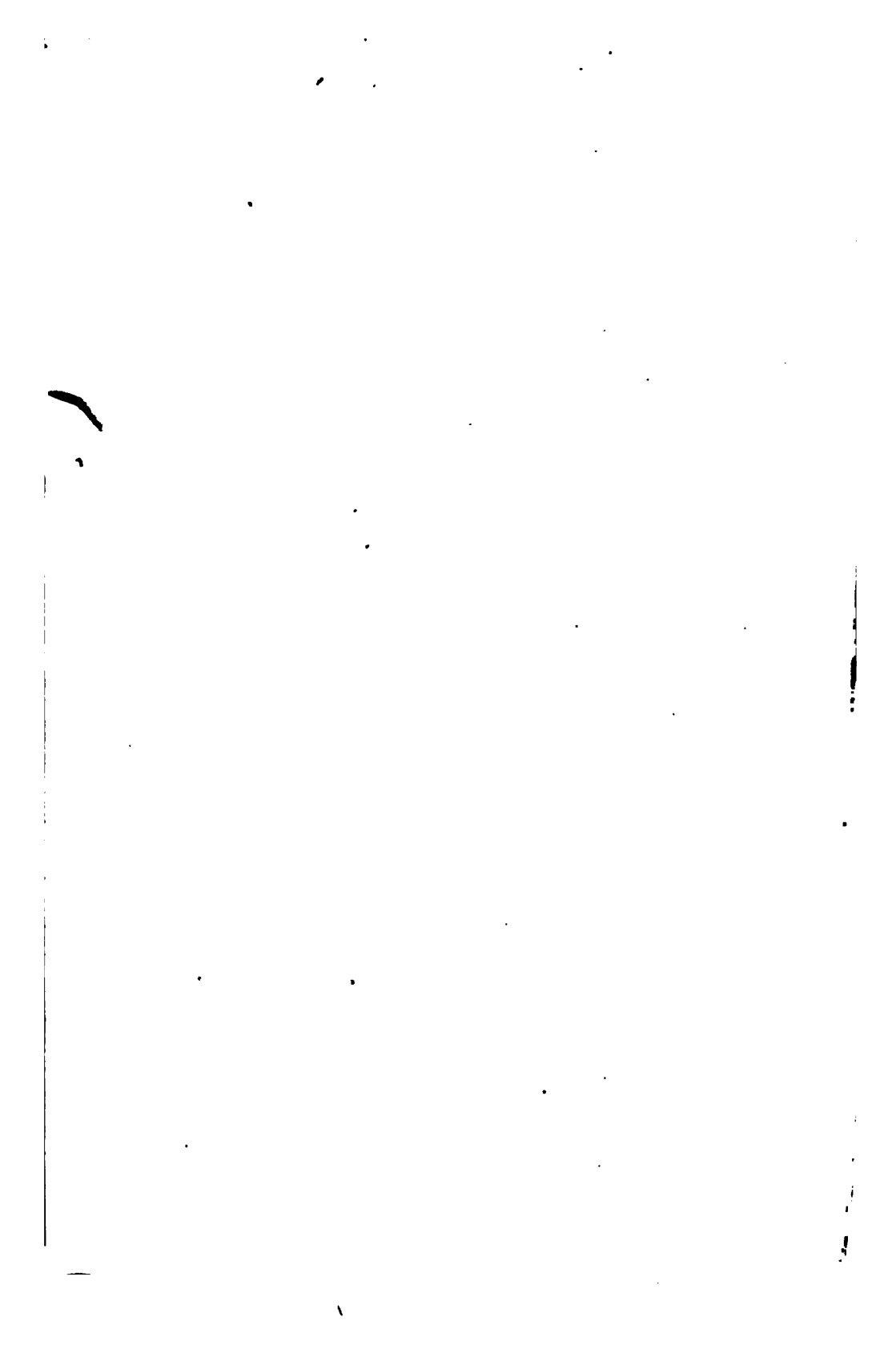
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